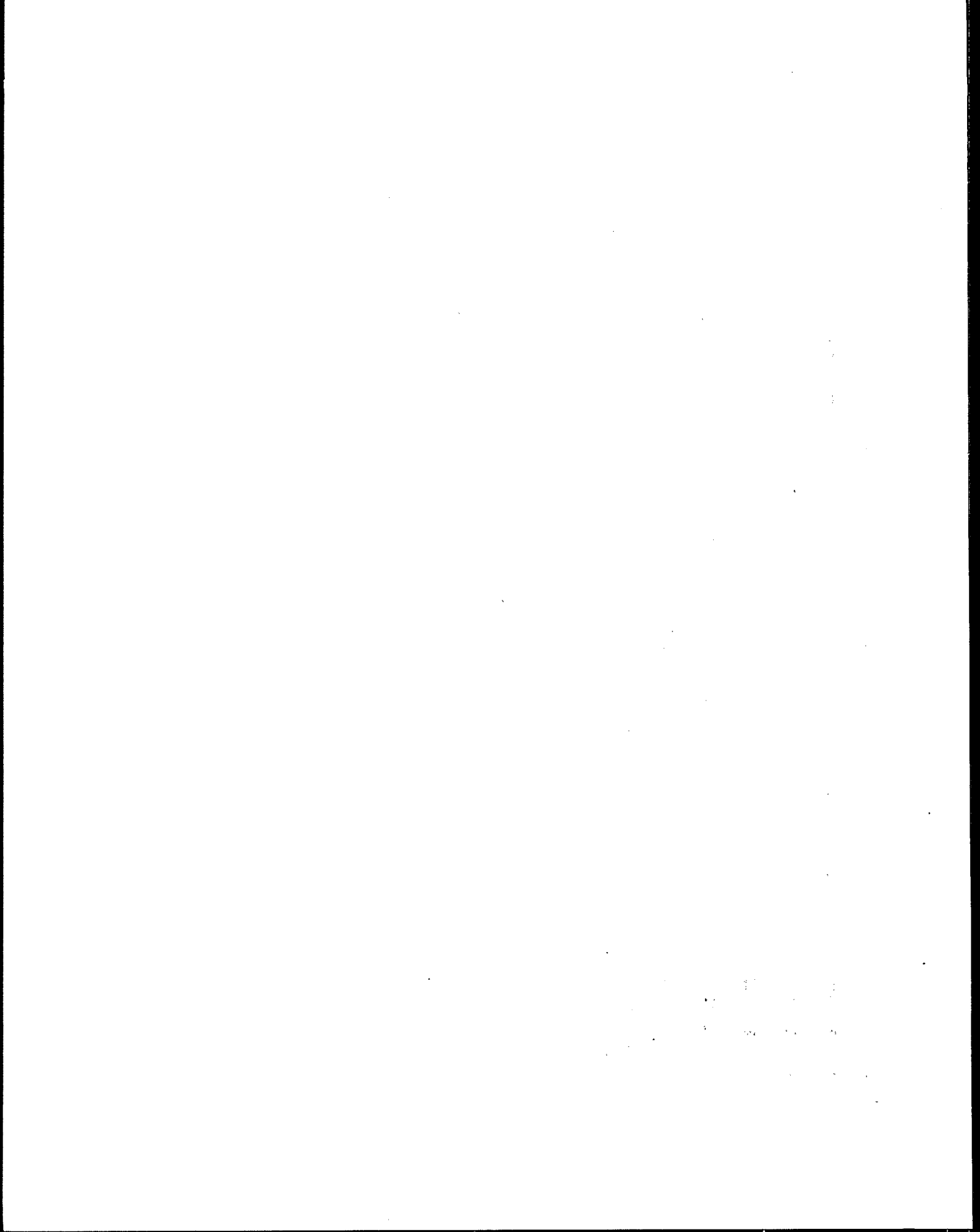


53ØR95Ø15

SUMMARY OF OSW'S

RCRA REGULATORY REFORM ANALYSIS

(PRELIMINARY RESULTS)



FINDINGS

MANY OF OUR REGULATIONS SHOULD BE DELETED, REVISED OR INVESTIGATED FURTHER

20 NO ACTION

12 OBSOLETE

34 REVISION OF RULES UNDERWAY, PLANNED OR NEEDED

31 POSSIBLE REVISION OF RULES, BUT FURTHER INVESTIGATION NECESSARY

MANY IMPORTANT ACTIVITIES ARE ALREADY UNDERWAY, BUT MANY OTHER ACTIVITIES ARE UNFUNDED

EXAMPLES OF REGULATORY PROBLEM AREAS IDENTIFIED IN OSW'S ANALYSIS

MANY OF OUR REGULATIONS ARE OBSOLETE

--e.g., MEDICAL WASTE (PART 259), THERMAL PROCESSING OF SOLID WASTES
(PART 240), GUIDELINES FOR DISPOSAL OF SOLID WASTE (PART 241),
INTERIM STANDARDS FOR OWNERS AND OPERATORS OF NEW HAZARDOUS WASTE
LAND DISPOSAL FACILITIES (PART 267), ETC.

-- CAPACITY ASSURANCE REGULATIONS

SEVERAL OF OUR REGULATIONS ARE REDUNDANT (BOTH WITHIN RCRA AND ACROSS OTHER MEDIA)

--e.g., NOTIFICATION, REPORTING, SOME RECORDKEEPING
PART 265 INTERIM STATUS STANDARDS,
TRAINING (RCRA VS. OSHA)
AIR (RCRA VS. CAA)
PREPAREDNESS AND PREVENTION (RCRA VS, CEPPPO)

SOME ARE VERY PRESCRIPTIVE

- POSSIBILITIES EXIST IN SOME AREAS WHERE WE COULD REPLACE DESIGN AND OPERATING
STANDARDS WITH PERFORMANCE STANDARDS

-- e.g., TANKS, CONTAINMENT BUILDINGS

EXAMPLES (CONTINUED)

SOME OF OUR REGS MAY BE OVERPROTECTIVE IN SOME SITUATIONS

- WE SHOULD CONSIDER NEGOTIATING FLEXIBILITY IN COMBUSTION REQUIREMENTS FOR 4-9'S DRE.

OSW REGULATIONS AND PROCESSES FOCUS ON PRIOR APPROVAL RATHER THAN SELF-IMPLEMENTATION

- e.g., PERMITTING, MANY OF OUR PART 264 MANAGEMENT STANDARDS

SOME REGULATIONS ARE INCONSISTENT

- e.g., CERTIFICATION BY INDEPENDENT, QUALIFIED REGISTERED PROFESSIONAL, ENGINEER VS. PROFESSIONAL ENGINEER
- RELEASE RESPONSE NOTIFICATION (ONE POUND OF HAZARDOUS WASTE IN TANK STANDARDS VS. RQ QUANTITIES FOR HAZARDOUS SUBSTANCES

SOME OF OUR DEFINITIONS LACK CLARITY, RESULTING IN AMBIGUITY AND INCONSISTENT INTERPRETATIONS ON THE PART OF BOTH REGULATED COMMUNITY AND REGULATORS

- e.g., TANK, REPRESENTATIVE SAMPLE, SECONDARY MATERIALS, INTERMEDIATES, AQUEOUS, ETC.

IN GENERAL, RCRA REGULATIONS ARE NOT USER-FRIENDLY

- e.g., WE HAVE A CONVOLUTED REGULATORY SCHEME;
WE DO NOT ENCOURAGE ELECTRONIC TRANSFER OF INFORMATION (MANIFEST), BUT INSTEAD RELY ON PAPER

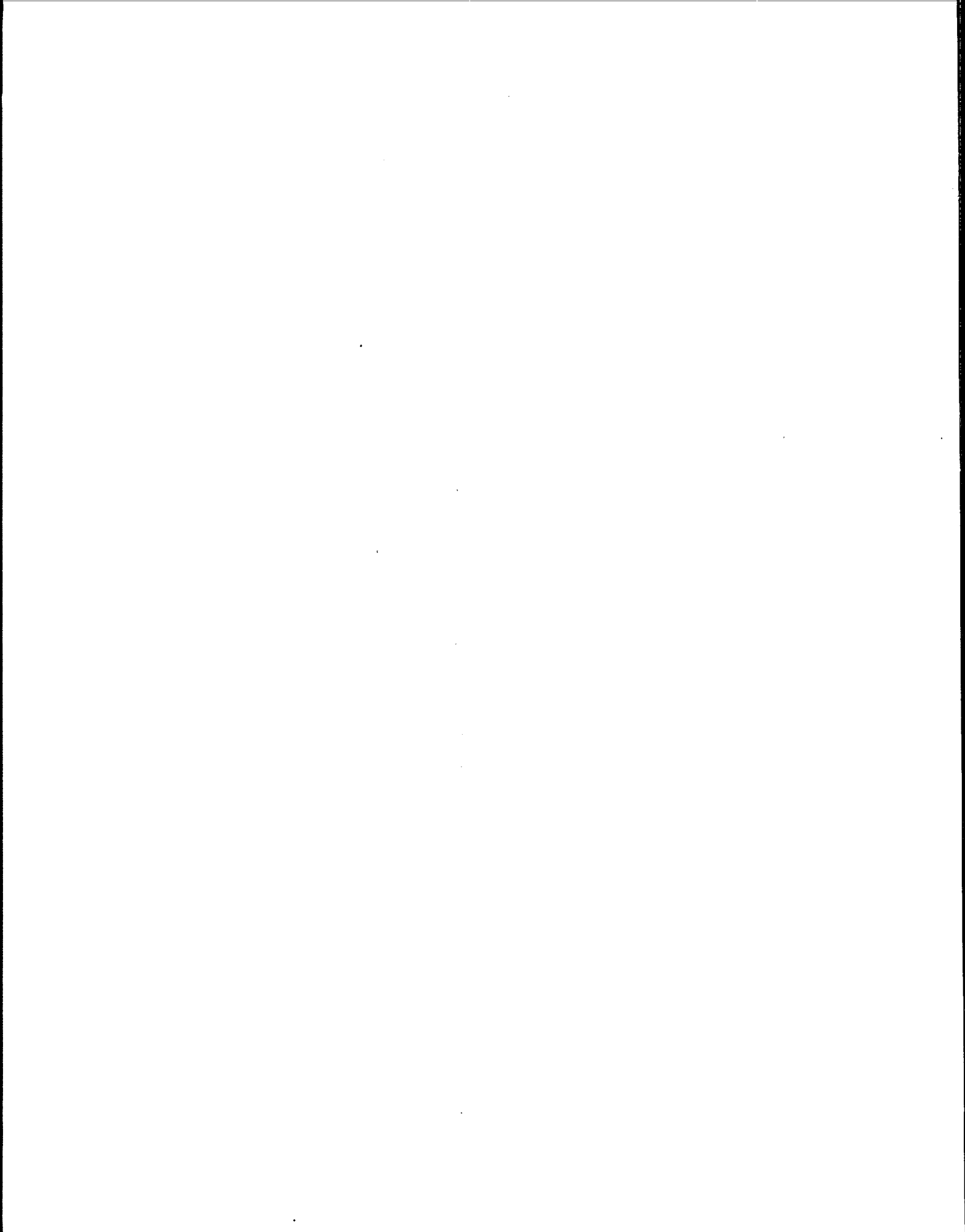
SMALL BUSINESSES MAY NOT BE OBTAINING THE SAME BENEFITS AS LARGE BUSINESSES IN OBTAINING THE SAME RATE OF RETURN ON THEIR ENVIRONMENTAL MANAGEMENT INVESTMENTS.

MANY ONGOING ACTIVITIES RESPOND TO THE PRESIDENT'S INITIATIVE ON "REINVENTING ENVIRONMENTAL REGULATION"

- SETTING PRIORITIES BASED ON SOUND SCIENCE
 - REFOCUS RCRA ON HIGH RISK WASTES
 - DEFINITION OF SOLID WASTE
 - DEFINITION OF HAZARDOUS WASTE (HAZARDOUS WASTE IDENTIFICATION RULE)
 - CLEAN-UP OF CONTAMINATED MEDIA
- BUILDING PARTNERSHIPS
 - STREAMLINED STATE AUTHORIZATION EFFORTS UNDER DEFINITIONS OF SOLID WASTE AND HAZARDOUS WASTE EFFORTS
 - REGULATORY NEGOTIATION
 - FLEXIBLE FUNDING FOR STATES AND TRIBES
- CUTTING RED TAPE
 - 25% REDUCTION IN PAPERWORK
 - WASTE INFORMATION NEEDS PROJECT (REPORTING & RECORDKEEPING)
 - DEFINITION OF SOLID WASTE (SIMPLICITY/SELF-IMPLEMENTATION/MANIFEST)
 - BETTER ACCOUNTABILITY, COMPLIANCE AND ENFORCEMENT
 - PERMITS IMPROVEMENT TEAM (STREAMLINED PERMITTING)

MANY CHALLENGES STILL REMAIN WHERE REGULATORY BURDENS COULD BE REDUCED

- DESIGN FOR THE ENVIRONMENT (I.E., POLLUTION PREVENTION AND WASTE MIN)
 - WASTE MIN COULD BE FACTORED INTO REGS AS AN INCENTIVE FOR COMPLIANCE
- BETTER ACCOUNTABILITY
 - SELF-CERTIFICATION/SELF-IMPLEMENTATION VS APPROVAL AND OVERSIGHT IN MANY OF OUR REGULATIONS
- RISK-BASED ENFORCEMENT
 - PERFORMANCE STANDARDS VS. DESIGN AND OPERATING STANDARDS
- THE POWER OF INFORMATION
 - PUBLIC ELECTRONIC ACCESS (MANIFEST/BIENNIAL REPORT)
- NEW TOOLS FOR GOVERNMENT AND INDUSTRY
 - GREATER EMPHASIS ON POLLUTION PREVENTION AND WASTE MINIMIZATION
- ALTERNATIVE PERFORMANCE BASED STRATEGIES
 - LINKAGE OR REDUNDANCY WITH CAA, DOT AND OSHA RULES ON CLEAN AIR, MANIFEST AND GENERAL FACILITY STANDARDS, RESPECTIVELY
- SMALL BUSINESS IMPACTS
- GOOD HOUSEKEEPING PRACTICES
 - ELIMINATION OF OBSOLETE REGULATIONS
 - INCONSISTENCY IN REGULATORY REQUIREMENTS
 - CLARITY IN DEFINITIONS
 - USER-FRIENDLY REGULATORY STRUCTURE/CFR



APPENDIX A
REGULATION-BY-REGULATION OVERVIEW
RCRA REGULATORY REFORM ANALYSIS

OSW Regulatory Reform Analysis

| <u>Activity (Part/Subpart/CFR reference)</u> | <u>Review Category</u> | <u>ICR</u> | <u>Burden</u> | <u>Red</u> | <u>R e s o u r c e</u> | |
|--|------------------------|------------|---------------|--------------|------------------------|------------|
| | | <u>No</u> | <u>Yes</u> | <u>Poss.</u> | <u>Avail.</u> | |
| | | | | | <u>No</u> | <u>Yes</u> |
| <u>MUNICIPAL SOLID WASTE</u> | | | | | | |
| Part 238 (Degradable Plastic Ring Carriers) | OB | X | | | X | |
| Part 240 (Guidelines for Thermal Processing of Solid Wastes) | OB | X | | | X | |
| Part 241 (Guidelines for Disposal of Solid Wastes) | OB | X | | | X | |
| Part 244 (Solid Wastes Guidelines for Beverage containers) | OB | X | | | X | |
| Part 245 (Resource Recovery Facility Guidelines) | OB | X | | | X | |
| Part 246 (Source separation for Materials Recovery Guidelines) | OB | X | | | X | |
| Parts 248/250/252/253 (Procurement Guide'1) | R | X | | | | X |

CODES

NA - NO ACTION

OB - OBSOLETE

R - REVISE RULE(S)

FS - POSSIBLY REVISE RULES, BUT FURTHER STUDY REQUIRED

OSW Regulatory Reform Analysis

| <u>Activity (Part/Subpart/CFR reference)</u> | <u>Review Category</u> | <u>ICR Burden</u> | | | <u>R e s o u r c e</u> | |
|--|----------------------------|-------------------|------------|--------------|------------------------|----------------------|
| | | <u>No</u> | <u>Yes</u> | <u>Poss.</u> | <u>Avail.</u> | <u>No</u> <u>Yes</u> |
| Part 255 (Identification of Regions and Agencies for Solid Waste Mgt.) | OB | X | | | X | |
| Part 256 (Guidelines for Developmement and Implementation of State Solid Waste Mgt. Plans) | OB | X | | | X | |
| Part 258 (Criteria for Classification of Solid Waste Disposal Facilities and Practices) | R | | X | | | X |
| Part 258 (Financl Assurance Criteria) | R | | X | | | X |
| <u>MEDICAL WASTE</u> | | | | | | |
| Part 259 (Medical Waste Tracking and Standards) | OB | X | | | X | |
| <u>HAZARDOUS WASTE:GENERAL/ANALYTICAL METHODS</u> | | | | | | |
| Part 260 (Hazardous Waste Mgt System:Gen.) | NA | | | | | |
| Part 260/Subpart B/40 CFR 260.10-11 (Definitions) | FS | | X | | X | |
| Part 260/Subpart C/ 40 CFR 260.20 (Rulemaking Petitions) | NA | | | | | |
| Parts 260/261/264/266/268/270 (Analytical Methods) | FS | | X | | X | |

OSW Regulatory Reform Analysis

| Activity (Part/Subpart/CFR reference) | Review Category | ICR Burden Red | | | R e s o u r c e | | |
|---|--------------------|----------------|-----|-------|-----------------|----|-----|
| | | No | Yes | Poss. | Avail. | No | Yes |
| <u>HAZARDOUS WASTE IDENTIFICATION</u> | | | | | | | |
| Parts 261/266. (Identification and Listing of Hazardous Waste/Recyclable Matls) (Definition of Solid Waste) | R | | X | | | | X |
| Part 261/40CFR 261.3/260.22 (Definition of Hazardous Waste and Delisting Petitions) | R | | X | | | | X |
| Part 261/40 CFR 261.4 (b) (3,4,5,7) (Exclus.) | NA | | | | | | |
| Part 261/40 CFR 261.4 (a) (4) | FS | | X | | | X | |
| Part 261/40 CFR 261.4 (b) (8) (Exclus.) | R | | X | | | | X |
| Part 261/40 CFR 261.5 (Req. for CESQG) | R | | X | | | X | X |
| Part 261/40 CFR 261.7 (Residues of Hazardous Waste in empty Containers) | R | | X | | | X | |
| Part 261/ Subpart B/40 CFR 261.10-11 (Criteria for Identifying and Listing Hazardous Waste) | R | X | | | | X | |
| Part 261/Subpart B/40 CFR 261.11 (a) (3) (Appendix VIII Constituents) | R | | | X | | X | |
| Part 261/Subpart C/40 CFR 261.20-24 (Characteristics of Hazardous Waste) | R | | X | | | X | |
| Part 261/Subpart C/ 40CFR 261.24 (Toxicity Characteristic for Silver) | R | | X | | | X | |

OSW Regulatory Reform Analysis

| <u>Activity (Part/Subpart/CFR reference)</u> | <u>Review Category</u> | <u>ICR Burden Red</u> | | | <u>R e s o u r c e</u> | |
|---|----------------------------|-----------------------|------------|--------------|------------------------|----------------------|
| | | <u>No</u> | <u>Yes</u> | <u>Poss.</u> | <u>Avail.</u> | <u>No</u> <u>Yes</u> |
| Part 261/Subpart D/40 CFR 261.30-32 (Lists of Hazardous Wastes) | NA | | | | | |
| Part 261/Subpart D/40 CFR 261.33 (Lists of Haz Waste- Discarded CCP) | FS | | | X | X | |
| Part 261/Subpart D/40 CFR 261.35 (Deletion of certain Haz Waste codes) | FS | | X | | X | |
| <u>GENERATOR STANDARDS</u> | | | | | | |
| Part 262/Subpart A/40 CFR 262.10-11 (Purpose, Scope and Applicability, Hazardous Waste Determination) | NA | | | | | |
| Part 262/Subpart A/40 CFR 262.12 (EPA Identification Numbers) | R/FS | | X | | X | |
| Part 262/Subpart B/40 CFR 262.20-23 (Manifest) | R | | X | | | X |
| Part 262/Subpart C/262.30-33 (Pre-Transport Requirements) | NA | | | | | |
| Part 262/Subpart C/40 CFR 262.34(a)/(a)(4) (Accumulation Time for Generators- Addressed under Part 264) | NA | | | | | |
| Part 262/Subpart C/40 CFR 262.34(b) and (f) (Accumulation Time > 90 days) | FS | | X | | X | |

OSW Regulatory Reform Analysis

| <u>Activity (Part/Subpart/CFR reference)</u> | <u>Review Category</u> | <u>ICR Burden Red</u> | | | <u>R e s o u r c e</u> | |
|--|----------------------------|-----------------------|------------|--------------|------------------------|----------------------|
| | | <u>No</u> | <u>Yes</u> | <u>Poss.</u> | <u>Avail.</u> | <u>No</u> <u>Yes</u> |
| Part 262/Subpart C/40 CFR 262.34 (c)-(e). (Accumulation Time- Satellite Points) | FS | | X | | X | |
| Part 262/Subpart D/40 CFR 262.40-44 (Recordkeeping and Reporting) | FS | | X | | | X |
| Part 262/Subpart E/40 CFR 262.50-57 (Exports of Hazardous Wastes) | FS | | X | | X | |
| Part 262/Subpart F/40 CFR 262.60 (Imports of Hazardous Wastes) | FS | | X | | X | |
| Part 262/Subpart G/40 CFR 262.70 (Farmers) | NA | | | | | |
| <u>TRANSPORTERS</u> | | | | | | |
| Part 263/Subpart A/40 CFR 263.10 (Scope) | NA | | | | | |
| Part 263/Subpart A/40 CFR 263.11 (EPA Identification Number) | FS | | X | | X | |
| Part 263/Subpart A/40 CFR 263.12 (Transfer Facilities) | FS | | X | | X | |
| Part 263/Subpart B/40 CFR 263.20-22 (Manifest and Recordkeeping) | R | | X | | | X |
| Part 263/Subpart C/40 CFR 263.30-31 (Hazardous Waste Discharges) | NA | | | | | |

OSW Regulatory Reform Analysis

| Activity (Part/Subpart/CFR reference) | <u>Review</u> <u>Category</u> | <u>ICR Burden</u> | | | <u>R e s o u r c e</u> | |
|--|----------------------------------|-------------------|------------|--------------|----------------------------|------------|
| | | <u>No</u> | <u>Yes</u> | <u>Poss.</u> | <u>Avail.</u> <u>No</u> | <u>Yes</u> |
| <u>Facility Standards, Treatment Standards</u> | | | | | | |
| Part 264/Subpart A (General) | NA | | | | | |
| Part 264/Subpart B (General Facility Standards) | FS | | X | | X | |
| Part 264/ Subpart C (Prep and Prev. and Subpart D (Cont Pln & Emerg Proc) | FS | | X | | X | |
| Part 264/Subpart E (Manifest and Recordkeeping) | R | | X | | | X |
| Part 264/Subpart F (Ground Water Releases Subpart G (Closure & Post Clos.) | R | | X | | | X |
| Part 264/Subpart H (Fin.Responsibility) | R | | X | | | X |
| Part 264/Subpart J (Tanks) | FS | | X | | X | |
| Part 264/Subpart K (Surf.Impoundments) | NA | | | | | |
| Part 264/Subpart L (Waste Piles) | NA | | | | | |
| Part 264/Subpart M (Land Treatment) | NA | | | | | |
| Part 264/Subpart N: Liquids in Landfills) | R | | X | | X | |
| Part 264/Subpart O (Incinerator Stand.) | R | | | X | | X |

OSW Regulatory Reform Analysis

| <u>Activity (Part/Subpart/CFR reference)</u> | <u>Review Category</u> | <u>ICR Burden</u> | | | <u>R e s o u r c e</u> | |
|--|----------------------------|-------------------|------------|--------------|------------------------|------------|
| | | <u>No</u> | <u>Yes</u> | <u>Poss.</u> | <u>Avail.</u> | |
| | | | | | <u>No</u> | <u>Yes</u> |
| Part 264/ Subpart X, Part 265/Subpart P: (Miscellaneous Units) | NA | | | | | |
| Part 264/Subpart W (Drip Pads) | FS | | X | | X | |
| Part 264/ Subparts AA, BB. CC (RCRA Air Emissions) | R | | X | | X | |
| Part 264/Subpart DD (Containment Bldgs) | FS | | X | | X | |
| Part 265/Subpart I (Containers) | R | | X | | X | |
| Part 265/Subparts A-DD | R | | X | | X | |
| Part 266/Subpart H/40 CFR 266.100 (Light Wt. Aggregate Kiln) | R | | | X | | X |
| <u>LAND DISPOSAL RESTRICTIONS</u> | | | | | | |
| Part 268/Subpart A/40 (Regulatory Language, Records, Ref Tables) | R | | | X | | X |
| Part 268/Subpart C/40 CFR 268.6 (No Migration Petition) | FS | | X | | X | |
| Part 268/Subpart A/40 CFR 268.7 (Land Disp Waste Analysis Subpart D/40 CFR 268.41-43 Land Disp Treat Stand) | R | | | X | | X |

OSW Regulatory Reform Analysis

| <u>Activity (Part/Subpart/CFR reference)</u> | <u>Review Category</u> | <u>ICR Burden</u> | | | <u>R e s o u r c e</u> | |
|---|------------------------|-------------------|------------|--------------|------------------------|----------------------|
| | | <u>No</u> | <u>Yes</u> | <u>Poss.</u> | <u>Avail.</u> | <u>No</u> <u>Yes</u> |
| <u>State Program Authorization and Grants</u> | | | | | | |
| PART 271/Subpart B/40 CFR 271.121-138.3(c), (e), .20(e) (Interim Auth for States) | OB | X | | | X | |
| Part 271/Subpart A/40 CFR 271.1-20, .22-.26: Final State Authorization-Base Program | NA | | | | | |
| Part 271/Subpart A/40 CFR 271.21: Revisions of State Prog. | FS | | X | | X | |
| <u>Permits</u> | | | | | | |
| Part 124 (Public Participation in Permitting) | FS | | | X | X | |
| Part 270 (Haz Waste Permit Program) | FS | | X | | X | |
| <u>CORRECTIVE ACTION</u> | | | | | | |
| Part 24 (Rules Governing Issuance of Administrative Hearings on Corrective Action) | FS | X | | | X | |
| CERCLA 108(B): Financial Resp (regs never promulgated) | R | X | | | X | |
| Part 264/Subpart S (Corrective Action) R | | | X | | | X |

OSW Regulatory Reform Analysis

| <u>Activity (Part/Subpart/CFR reference)</u> | <u>Review Category</u> | <u>ICR Burden</u> | | | <u>R e s o u r c e</u> | |
|--|----------------------------|-------------------|------------|--------------|------------------------|------------|
| | | <u>No</u> | <u>Yes</u> | <u>Poss.</u> | <u>Avail.</u> | |
| | | | | | <u>No</u> | <u>Yes</u> |

Land Disposal Restrictions (continued)

| | | | | | | |
|--|----|--|--|--|---|---|
| Part 268: Treat Stand Equiv. with Clean Water Act | FS | | | | X | X |
|--|----|--|--|--|---|---|

| | | | | | | |
|----------------------------------|---|--|---|--|---|--|
| 3004(1): Ban on Dust Suppression | R | | X | | X | |
|----------------------------------|---|--|---|--|---|--|

Capacity Planning

| | | | | | | |
|---|----|--|---|--|--|---|
| 40 CFR 300.510(e): Capacity Assurance Plan | OB | | X | | | X |
|---|----|--|---|--|--|---|

APPENDIX B
DETAILED SUMMARY
RCRA REGULATORY REFORM ANALYSIS

OSWER Regulatory Reform Analysis

I. CFR Reference (Part, Subpart, Regulatory citation(s) and Title: 40 CFR Part 24

Rules governing issuance of and administrative hearings on interim status corrective action orders

II. Purpose of CFR Reference: These rules establish procedures for governing issuance of administrative orders for corrective action pursuant to sections 3008(h) and 9003(h) of RCRA, and conduct of administrative hearings on such orders, except as governed by 40 CFR part 22.

III. Recommended Review Category (Check One):

- No action
- Obsolete
- Revise Rule(s) or Statute
- x Possibly Revise Rules, but further study necessary

IV. Revision Approach:

 Rule Change
 Statutory Change

Description of Change: Headquarters has surveyed the Regional RCRA corrective action program contacts to see if there is a need to revise this rule. They have indicated no such need. The only provision identified as needing review relates to retention of the administrative record, a provision which, if burdensome, is burdensome more to EPA than to the regulated community. Headquarters will survey the Offices of Regional Counsel at the beginning of April 1995 to determine if there are other provisions of this rule which should be modified/revise.

V. Environmental Benefit:

 X No Change
 Small-Moderate Improve.
 Significant Improvement
 Need more information

Reduction of Burden:

 X None
 Small-Moderate Reduction
 Significant Reduction

VI. Currently Funded or Planned?

 Yes
 X No

VII. Planned Milestones (if appropriate): To be determined.

VIII. Key Questions/Issues/Activities: See discussion in # IV. above.

OSWER Regulatory Reform Analysis

I. Part 124, Subpart A

II. Purpose of CFR Reference: Public Participation in Permitting

III. Recommended Review Category (Check One):

- No action
- Obsolete
- Revise Rule(s) or Statute
- X Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- X Rule Change
- ____ Statutory Change

Description of Revision: Review §124.1 - §124.21 and decide if it is possible to coordinate the public participation regulations of four permitting program areas (RCRA, UIC, PSD, and NPDES). In addition, we will attempt to move statute-specific public participation events into part 124, so that any permittee or citizen could find all of EPA's public involvement regulations in one part of the CFR. Our work will follow from work done by the public participation subgroup of the Permits Improvement Team. As a result of our efforts, permittees will be able to look at Part 124 as a model of public participation for the agency. The coordination of public participation programs will make the process easier to understand, standardize notices, etc., and let the permitting agency coordinate notices, public hearings, fact sheets, and other vehicles.

V. Environmental Benefit:

- ____ No Change
- X Small-Moderate Improve.
- ____ Significant Improvement
- ____ Need more information

Reduction of Burden:

- ____ None
- X Small-Moderate Reduction
- ____ Significant Reduction

VI. Currently Funded or Planned?

- ____ Yes
- X No

VII. Planned Milestones (if appropriate): To follow planned report by the Permits Improvement Team (Fall '95) and final RCRA public participation in permitting rule (August '95).

VIII. Key Questions/Issues/Activities: We will need to coordinate with PIT members as well as colleagues from the various permitting branches. Also, we will have to consider possible integration with Air permitting programs.

OSWER Regulatory Reform Analysis

I. Part 238 (Degradable Plastic Ring Carriers)

II. Purpose of CFR Reference: To require manufacturers to produce rings that are degradable in the marine environment.

III. Recommended Review Category (Check One):

- No action
- Obsolete
- Revise Rule(s) or Statute
- X Possibly Revise Rules, but further study necessary

IV. Revision Approach: N/A

- ___ Rule Change
- ___ Statutory Change

V. Environmental Benefit:

- X No Change
- ___ Small-Moderate Improve.
- ___ Significant Improvement
- ___ Need more information

Reduction of Burden:

- X None
- ___ Small-Moderate Reduction
- ___ Significant Reduction

VI. Currently Funded or Planned?

- ___ Yes
- X No

VII. Planned Milestones (if appropriate): N/A

VIII. Key Questions/Issues/Activities: May be difficult to remove since it was a statutory mandate. May receive opposition from manufacturers who prefer a single federal standard and who sued EPA to force promulgation of the rule.

OSWER Regulatory Reform Analysis

I. Part 240 (Guidelines for the Thermal Processing of Solid Wastes).

II. Purpose of CFR Reference: Prescribes minimum levels of performance required of any solid waste thermal processing operation receiving waste generated by federal agencies regardless of whether processed or disposed of on or off federal property.

III. Recommended Review Category (Check One):

- No action
- ☒ Obsolete
- Revise Rule(s) or Statute
- Possibly Revise Rules, but further study necessary

IV. Revision Approach: N/A

- ☐ Rule Change
- ☐ Statutory Change

Description of Revision: NA

V. Environmental Benefit:

- ☒ No Change
- ☐ Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

Reduction of Burden:

- ☒ None
- ☐ Small-Moderate Reduction
- ☐ Significant Reduction

VI. Currently Funded or Planned?

- ☐ Yes
- ☒ No

VII. Planned Milestones (if appropriate): N/A

VIII. Key Questions/Issues/Activities: New Source Performance Standards and Emission Guidelines (40 CFR part 51 & 52) promulgated on 2/11/91 260 proposed amendments of 9/20/94 require all facilities larger than 39 tpd to meet maximum levels of environmental control. These new standards and guidelines are more protective than this part 240 guideline.

OSWER Regulatory Reform Analysis

I. Part 241 (Guidelines for the Land Disposal of Solid Wastes),

II. Purpose of CFR Reference: These guidelines are intended to ensure that design, construction, and operation of land disposal sites for non-hazardous wastes meet health and environmental standards. These guidelines are mandatory for federal agencies and recommended to state and local governmental agencies.

III. Recommended Review Category (Check One):

- No action
- ☒ Obsolete
- Revise Rule(s) or Statute
- Possibly Revise Rules, but further study necessary

IV. Revision Approach: N/A

- _____ Rule Change
- _____ Statutory Change

V. Environmental Benefit:

- ☒ No Change
- _____ Small-Moderate Improve.
- _____ Significant Improvement
- _____ Need more information

Reduction of Burden:

- ☒ None
- _____ Small-Moderate Reduction
- _____ Significant Reduction

VI. Currently Funded or Planned?

- _____ Yes
- ☒ No

VII. Planned Milestones (if appropriate): N/A

VIII. Key Questions/Issues/Activities: These rules were promulgated in 1974. Virtually all states incorporate these guidelines in existing state land disposal regulations. These regulations are obsolete and would have no measurable impact if deleted from the CFR. The technical requirements in these guidelines are now contained in the Criteria for MSWLFs, 40 CFR Part 258.

OSWER Regulatory Reform Analysis

I. Part 244 (Solid Waste Management Guidelines for Beverage Containers)

II. Purpose of CFR Reference: To achieve a reduction in beverage container solid waste and litter, resulting in savings in waste collection and disposal costs to the federal government and achieve the conversion and more efficient use of energy and material resources through the development of effective beverage distribution and container collection.

III. Recommended Review Category (Check One):

- No action
- ☒ Obsolete
- Revise Rule(s) or Statute
- Possibly Revise Rules, but further study necessary

IV. Revision Approach: N/A

- ☐ Rule Change
- ☐ Statutory Change

V. Environmental Benefit: N/A

- ☐ No Change
- ☐ Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

Reduction of Burden:

- ☐ None
- ☒ Small-Moderate Reduction
- ☐ Significant Reduction

VI. Currently Funded or Planned?

- ☐ Yes
- ☒ No

VII. Planned Milestones (if appropriate): N/A

VIII. Key Questions/Issues/Activities: This Part requires that federal agencies/contractors impose container deposit/refund systems. Agencies/contractors are in general non-compliance, posing potential embarrassment. From time-to-time this issue is brought to EPA's attention by members of Congress, the public, and agency officials, requiring explanation of our lack of authority and resources to require compliance. Deletion of the guidelines would eliminate this situation.

OSWER Regulatory Reform Analysis

I. Part 245 (Promulgation Resource Recovery Facilities Guidelines)

II. Purpose of CFR Reference: Requires federal agencies having jurisdiction over waste disposal activities to separate and recover materials as energy from such solid waste.

III. Recommended Review Category (Check One):

- No action
- ☒ Obsolete
- Revise Rule(s) or Statute
- Possibly Revise Rules, but further study necessary

IV. Revision Approach: N/A ☐ Rule Change
☐ Statutory Change

V. Environmental Benefit: N/A ☐ No Change
☐ Small-Moderate Improve.
☐ Significant Improvement
☐ Need more information

Reduction of Burden: ☒ None
☐ Small-Moderate Reduction
☐ Significant Reduction

VI. Currently Funded or Planned? ☐ Yes
☒ No

VII. Planned Milestones (if appropriate): N/A

VIII. Key Questions/Issues/Activities: This Part provides guidelines which are very general and are intrinsic to reasonable practices that would be followed, anyway. To the extent that the Guidelines foster recycling, they are superseded by Clinton's October 1993 Executive Order.

OSWER Regulatory Reform Analysis

I. Part 246 (Source Separation for Materials Recovery Guidelines)

II. Purpose of CFR Reference: Requires source separation of residential, commercial, and institutional solid wastes. Explicitly excluded are mining, agricultural, industrial solid wastes, hazardous wastes, sludges, construction and demolition wastes, infectious wastes, and classified wastes. These requirements are mandatory for federal agencies that generate solid waste and they are recommended to state, interstate, regional, and local governments for use in their activities.

III. Recommended Review Category (Check One):

- ☐ -- No action
- ☒ X Obsolete
- ☐ -- Revise Rule(s) or Statute
- ☐ -- Possibly Revise Rules, but further study necessary

IV. Revision Approach: N/A

- ☐ Rule Change
- ☐ Statutory Change

V. Environmental Benefit:

- ☐ No Change
- ☒ X Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

Reduction of Burden:

- ☐ None
- ☒ X Small-Moderate Reduction
- ☐ Significant Reduction

VI. Currently Funded or Planned?

- ☐ Yes
- ☒ X No

VII. Planned Milestones (if appropriate): N/A

VIII. Key Questions/Issues/Activities: To the extent that this Part provide guidelines which foster recycling, they are superseded by Executive Order 12873, which was signed by President Clinton on October 20, 1993.

OSWER Regulatory Reform Analysis

- I. 40 CFR 247 - Guidelines for Procurement of Products That Contain Recovered Materials; 40 CFR 248 - Guideline for Federal Procurement of Building Insulation Products; 40 CFR 248 - Guideline for Federal Procurement of Cement and Concrete Containing Fly Ash; 40 CFR 250 - Guideline for Federal Procurement of Paper and Paper Products; 40 CFR 252 - Guideline for Federal Procurement of Lubricating Oils Containing re-refined Oils; and 40 CFR 253 - Guideline for Federal Procurement of Retread Tires

II. Purpose of CFR Reference: To designate recycled products and provide procurement recommendations to "procuring agencies" (as defined in RCRA section 6002) on buying recycled products to help them meet their statutory requirements for buying recycled products.

III. Recommended Review Category (Check One):

- No action
- Obsolete
- X Revise Rule(s) or Statute
- Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- X Rule Change
- Statutory Change

Description of Revision: Issue Comprehensive Procurement Guideline which will revised obsolete provisions in 40 CFR 247 and delete 40 CFR Parts 248, 249, 250, 252, and 253 from the CFR and consolidate their requirements into 40 CFR 247. The recommendation sections of Parts 248, 249, 250, 252, and 253 have been removed from the CFR and reissued as guidance in the notice section of the FR. Also proposed revisions to old 40 CFR 250, which will be added to new Part 247 when finalized. In addition, we will no longer issue procurement recommendations in the CFR, but instead issue guidance in the notice section of the FR. These revisions were made possible by assisting in drafting E.O. language to streamline the procurement guideline process.

V. Environmental Benefit:

- No Change
- Small-Moderate Improve.
- X Significant Improvement
- Need more information

Reduction of Burden:

- X None
- Small-Moderate Reduction
- Significant Reduction

VI. Currently Funded or Planned? X Yes
No

VII. Planned Milestones (if appropriate): Proposed rule issued on April 20, 1994 due to be issued final in April 1995. proposed recommendations on old Part 240 issued in March 1995. Plan to finalize in late 1995/early 1996.

VIII. Key Questions/Issues/Activities: We have been working with the public and private sector to avoid any adverse reactions to these activities.

OSWER Regulatory Reform Analysis

I. Part 255 (Identification of Regions and Agencies for Solid Waste Management)

II. Purpose of CFR Reference: These guidelines are applicable to policies, procedures, and criteria for the identification of those areas which have common solid waste management problems and which are appropriate units for planning regional solid waste management services. The guidelines also define and guide the identification of which functions will be carried out by which agencies.

III. Recommended Review Category (Check One):

- No action
- ☒ Obsolete
- Revise Rule(s) or Statute
- Possibly Revise Rules, but further study necessary

IV. Revision Approach: N/A

- ☐ Rule Change
- ☐ Statutory Change

V. Environmental Benefit: N/A

- ☐ No Change
- ☐ Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

Reduction of Burden:

- ☒ None
- ☐ Small-Moderate Reduction
- ☐ Significant Reduction

VI. Currently Funded or Planned?

- ☐ Yes
- ☒ No

VII. Planned Milestones (if appropriate): N/A

VIII. Key Questions/Issues/Activities: These guidelines provided direction for establishing Regional planning authorities and practices. These guidelines were applicable to policies, procedures, and criteria for the identification of those areas which have common solid waste management problems and which are appropriate units for planning regional solid waste management services pursuant to section 4002 (a). Major Federal facilities and Native American Reservations should be treated for the purposes of these guidelines as though they are incorporated municipalities, and the facility director or administrator should be considered the same as a locally elected official. Indian Tribes are still eligible for funding and technical assistance under Section 8001.

OSWER Regulatory Reform Analysis

I. Part 256 (Guidelines for Development and Implementation of State Solid Waste Management Plans)

II. Purpose of CFR Reference: These guidelines were developed to assist in the development and implementation of state solid waste management plans, address minimum requirements for approval of state plans, and set forth the responsibilities of state, local, and regional authorities in the implementation of state plans.

III. Recommended Review Category (Check One):

- No action
- ☒ Obsolete
- Revise Rule(s) or Statute
- Possibly Revise Rules, but further study necessary

IV. Revision Approach: N/A

- ☐ Rule Change
- ☐ Statutory Change

V. Environmental Benefit: N/A

- ☐ No Change
- ☐ Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

Reduction of Burden:

- ☒ None
- ☐ Small-Moderate Reduction
- ☐ Significant Reduction

VI. Currently Funded or Planned?

- ☐ Yes
- ☒ No

VII. Planned Milestones (if appropriate): N/A

VIII. Key Questions/Issues/Activities: These guidelines were designed to provide criteria and procedures for states to develop and implement solid waste management plans for EPA approval. EPA provided funds to states for development of their plans and for initial implementation. Since 1980 EPA has not provided funding to the states, nor has it exercised its authority to approve or disapprove state plans. State planning has progressed without an EPA role.

OSWER Regulatory Reform Analysis

I. Part 258 (Criteria for Municipal Solid Waste Landfills)

II. Purpose of CFR Reference: To allow local governments with sufficient financial strengths to avoid third party costs of financial assurance for closure, post closure monitoring and maintenance and corrective action.

III. Recommended Review Category (Check One):

- No action
- Obsolete
- X Revise Rule(s) or Statute
- Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- X Rule Change
- Statutory Change

Description of Revision: Adding language for Part 258,74(f) to allow local governments with sufficient financial strengths to avoid third party costs of financial assurance for closure, post closure monitoring and maintenance, and corrective action.

V. Environmental Benefit:

- X No Change
- Small-Moderate Improve.
- Significant Improvement
- Need more information

Reduction of Burden:

- None
- X Small-Moderate Reduction
- Significant Reduction

VI. Currently Funded or Planned? X Yes
 No

VII. Planned Milestones (if appropriate): October 1, 1995, the rule will be promulgated.

VIII. Key Questions/Issues/Activities: Has widespread support from local governments who will save the added cost of third party financial assurance instruments.

OSWER Regulatory Reform Analysis

I. Part 258, Subpart G (Financial Assurance Criteria), 40 CFR 258.74(e) (Corporate financial test), and 40 CFR 258.74(g) (Corporate guarantee) (Proposed changes at 59 Federal Register 51323, October 12, 1994).

II. Purpose of CFR Reference: 40 CFR 258 Subpart G requires owners and operators of municipal solid waste landfills to provide financial assurance for closure, post closure and corrective action costs. This ensures that these landfills close properly and that there are sufficient financial resources to respond to releases. These regulations can currently be met with trust funds, surety bonds, letters of credit, insurance, and state approved mechanisms or state assumptions of responsibility.

III. Recommended Review Category (Check One):

- No action
- Obsolete
- X Revise Rule(s) or Statute
- Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- X Rule Change
- Statutory Change

DEscription of Revision: A corporate financial test and a corporate guarantee will allow private owners and operators of municipal solid waste landfills with sufficient financial strength to avoid the cost of obtaining a third party financial assurance instrument to assure proper closure, post closure monitoring and maintenance, and corrective action at these landfills.

V. Environmental Benefit:

- X No Change
- Small-Moderate Improve.
- Significant Improvement
- Need more information

Reduction of Burden:

- None
- X Small-Moderate Reduction
- Significant Reduction

VI. Currently Funded or Planned? X Yes
 No

VII. Planned Milestones (if appropriate): May 1996 for promulgation.

VIII. Key Questions/Issues/Activities: Supported by the industry. Will be promulgated with similar revisions to the hazardous waste financial responsibility rules.

OSWER Regulatory Reform Analysis

I. CFR Reference (Part, Subpart, Regulatory citation(s) and Title: 40 CFR Part 259, Standards for the Tracking and Management of Medical Waste

II. Purpose of CFR Reference: To provide special standards for used oil generators, transporters, and other handlers of medical waste. These regulations were required under the Medical Waste Tracking Act for a 2 year demonstration program. The regulations expired in 1991, and is not applicable to anyone.

III. Recommended Review Category (Check One):

- ☐ No action
- ☒ Obsolete
- ☐ Revise Rule(s) or Statute(s)
- ☐ Possibly Revise Rule(s), but further study necessary

IV. Revision Approach:
(check all that apply)

- ☒ Rule Change
- ☐ Statutory Change
- ☐ Consensual Negotiations

Description of Revision: Delete the Part.

V. Expected Impact:

A. Environmental Benefit:

- ☒ No Change
- ☐ Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

B. Reduction of Burden:

- ☒ None
- ☐ Small-Moderate Reduction
- ☐ Significant Reduction
- ☐ Need More Information

VI. Currently Funded or Planned?

- ☐ Yes
- ☒ No

VII. Planned Milestones (if appropriate):

VIII. Key Questions/Issues/Activities: Possibility might exist to link deletion of Part 259 with Medical Waste Report to Congress.

OSWER Regulatory Reform Analysis

I. Part 260 (Hazardous Waste Management System: General), Subpart A - General; 40 CFR 260.1-3

II. Purpose of CFR Reference: 40 CFR 260.1 provides background information on the purpose of subsequent citations in Part 260. 40 CFR 260.2 (Availability of information; confidentiality of information) sets forth the rules that EPA will use in making information it receives available to the public and sets forth the requirements generators, transporters and treatment, storage and disposal facilities must follow to assert claims of business confidentiality with respect to information submitted to EPA under parts 260 through 265 and 268 of this chapter to the extent and in the manner authorized by the Freedom of Information Act. 40 CFR 260.3 (Use of number and gender) establishes the rules of grammatical construction for parts 260 through 265 and 268 of this chapter.

III. Recommended Review Category (Check One):

- ☒ No action
- ☐ -- Obsolete
- ☐ -- Revise Rule(s) or Statute
- ☐ -- Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- ☐ Rule Change
- ☐ Statutory Change
- ☐ Consensual Negot.

Description of Revision: NA

V. Environmental Benefit:

- ☐ No Change
- ☐ Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

Reduction of Burden:

- ☐ None
- ☐ Small-Moderate Reduction
- ☐ Significant Reduction

VI. Currently Funded or Planned?

- ☐ Yes
- ☐ No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: NA

OSWER Regulatory Reform Analysis

I. I. Part 260 (Hazardous Waste Management System: General),
Subpart B - Definitions; 40 CFR 260.10-11

II. Purpose of CFR Reference: 40 CFR 260.10 defines terms terms
which are used in parts 260 through 265 and 268 of this chapter.

III. Recommended Review Category (Check One):

- No action
- Obsolete
- Revise Rule(s) or Statute
- X Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- X Rule Change (possibly)
- Statutory Change
- Consensual Negot.

Description of Revision: Certain definitions are unclear,
creating uncertainty on the part of both regulators and the
regulated community in complying with, or trying to foster
compliance with RCRA regulations. Examples include: the
definition of tank, aqueous, secondary materials, and
intermediates. As appropriate, definitions would be clarified to
avoid this outcome.

V. Environmental Benefit:

- No Change
- X Small-Moderate Improve.
- Significant Improvement
- Need more information

Reduction of Burden:

- None
- X Small-Moderate Reduction
- Significant Reduction

VI. Currently Funded or Planned?

- Yes
- X No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: Statutory definitions
could limit ability to change some definitions through regulatory
changes.

OSWER Regulatory Reform Analysis

I. I. Part 260 (Hazardous Waste Management System: General),
Subpart C (Rulemaking Petitions), 40 CFR 260.20

II. Purpose of CFR Reference: 40 CFR 260.20 establishes
procedures for petitioning EPA to amend, modify, or revoke any
provision of parts 260 through 265 and 268 of this chapter and
establishes procedures governing EPA's action on such procedures.

III. Recommended Review Category (Check One):

- ☒ No action
- ☐ -- Obsolete
- ☐ -- Revise Rule(s) or Statute
- ☐ -- Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- ☐ Rule Change (possibly)
- ☐ Statutory Change
- ☐ Consensual Negot.

Description of Revision: NA

V. Environmental Benefit:

- ☐ No Change
- ☐ Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

Reduction of Burden:

- ☐ None
- ☐ Small-Moderate Reduction
- ☐ Significant Reduction

VI. Currently Funded or Planned?

- ☐ Yes
- ☐ No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: NA

OSWER Regulatory Reform Analysis

I. Analytical Methods (Specific CFR Citations Noted Below):

- (1) Section 260.22(d)(1)(i) - Submission of data in support of petitions to exclude a waste produced at a particular facility (i.e., delisting petitions);
- (2) Section 261.22(a)(1) and (2) - Evaluation of waste against the corrosivity characteristic;
- (3) Section 261.24(a) - Leaching procedure for evaluation of a waste against the toxicity characteristic;
- (4) Section 261.35(b)(2)(iii)(A) - Testing rinsates from wood preserving cleaning processes;
- (5) Sections 264.190(a), 264.314(c), 265.190(a), and 265.314(d) - Evaluation of a waste to determine if free liquid is a component of the waste;
- (6) Sections 264.1034(d)(1)(iii) and 265.1034(d)(1)(iii) - Testing total organic concentration of air emission standards for process vents;
- (7) Sections 264.1063(d)(2) and 265.1063(d)(2) - Testing total organic concentration of air emission standards for equipment leaks;
- (8) Section 266.106(a) - Analysis in support of compliance with standards to control metals emissions from burning hazardous waste in boilers and industrial furnaces;
- (9) Section 266.112(b)(1) and (2)(i) - Certain analysis in support of exclusion from the definition of a hazardous waste of a residue which was derived from burning hazardous waste in boilers and industrial furnaces;
- (10) Section 268.7(a) - Leaching procedure for evaluation of a waste to determine if the waste is restricted from land disposal;
- (11) Section 268.32(i) - Evaluation of a waste to determine if it is a liquid for purposes of certain land disposal prohibitions;
- (12) Sections 268.40(a), (b), and (f), 268.41(a), and 268.43(a) - Leaching procedure for evaluation of waste extract to determine compliance with Land Disposal treatment standards;
- (13) Sections 270.19(c)(1)(iii) and (iv), and 270.62(b)(2)(i)(C) and (D) - Analysis and approximate quantification of the hazardous constituents identified in the waste prior to conducting a trial burn in support of an application for a

hazardous waste incineration permit; and

(14) Sections 270.22(a)(2)(ii)(B) and 270.66(c)(2)(i) and (ii) - Analysis conducted in support of a destruction and removal efficiency (DRE) trial burn waiver for boilers and industrial furnaces burning low risk wastes, and analysis and approximate quantification conducted for a trial burn in support of an application for a permit to burn hazardous waste in a boiler and industrial furnace.

II. Purpose of CFR Reference:

EPA Publication SW-846, "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" contains the analytical and test methods that EPA has evaluated and found to be among those acceptable for testing under subtitle C of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended. All of these methods are intended to promote accuracy, sensitivity, specificity, precision, and comparability of analyses and test results. Several of the hazardous waste regulations under subtitle C of RCRA require that specific testing methods described in SW-846 be employed for certain applications; these applications are found in 40 CFR parts 260 through 270 (see above citations) and either require the use of a specific method for a particular application, or the use of appropriate SW-846 methods in general. There may also be other citations in 40 CFR (e.g., CAA or CWA) for which the use of SW-846 methods is required.

III. Recommended Review Category (Check One):

- ☐ No action
- ☐ Obsolete
- ☐ Revise Rule(s) or Statute
- ☒ Possibly Revise Rules, but further study necessary

IV. Revision Approach (Check One):

- ☒ Rule Change
- ☐ Statutory Change
- ☐ Consensual Negotiations

Description of Change:

EPA could remove all regulatory citations that require "EPA approved" methods (making SW-846 guidance for those applications) and allow regulated parties to select appropriate methods. We could encourage the use of methods approved by private organizations, such as the American Society for Testing and Materials (ASTM). Certain applications, however, such as the characteristics (citations #2, #3 above) and determining liquids in landfills (citation #5 above), will remain mandatory since these methods are in essence the regulatory performance standard that defines when a waste is hazardous or restricted from landfill.

V. Environmental Benefit (Check One):

☐ No Change
☒ Small-Moderate Improve.
☐ Significant Improvement
☐ Need more information

Reduction of Burden:

☐ None
☒ Small-Moderate Reduction
☐ Significant Reduction

VI. Currently Funded or Planned?

☐ Yes
☒ No

VII. Planned Milestones (if appropriate):

VIII. Key Questions/Issues/Activities:

We do not know if States like having the simplicity of requiring "EPA-approved" methods rather than judging the appropriateness of other methods. We may also find that method developers, while wanting faster approval, still want the "EPA-approved" imprimatur. SW-846 actually provides a service to the regulated community: all the changes we make are in response to the regulated community's requests. We have also streamlined the promulgation process based on the regulated community's dislike of the 30 or more months it takes to formally approve methods once they are well developed; it now only takes 15-18 months from proposal to promulgation.

A more fundamental issue involves the ability to enforce such an approach.

OSWER Regulatory Reform Analysis

I. Part 261 (Identification and Listing of Hazardous Waste), Subpart A (General), 40 CFR 261.1, 261.2, 261.4, 261.6, and Part 266, Subparts C (Recyclable Materials Used in a Manner Constituting Disposal, Subpart F (Recyclable Materials Utilized for Precious Metals Recovery, and Subpart G (Spent Lead-Acid Batteries Being Reclaimed) and related provisions in Part 260 (40 CFR 260.30-31, 260.40 and 260.41).

II. Purpose of CFR Reference: These citations identify those solid wastes which are subject to regulation as hazardous wastes under parts 262 through 265, 268, and parts 270, 271, and 124 of this chapter and which are subject to the notification requirements of section 3010 of RCRA. Specific citations address the definition of solid waste (261.2), material exclusions from the definition of solid waste (261.4), requirements for hazardous recyclable materials (261.6), with variances for other materials in 40 CFR 260.30-31 and 260.40-41.

III. Recommended Review Category (Check One):

- No action
- Obsolete
- X Revise Rule(s) or Statute
- Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- X Rule Change
- X Statutory Change
- (Possibly)
- _____ Consensual Negot.

Description of Revision: EPA, in partnership with the States, is in the process of revising the definition of solid waste (261.2) and related provisions (261.4, 261.6) as well as certain Subparts of Part 266 (C, F, and G) to identify those materials and recycling practices that are outside of RCRA jurisdiction and identify streamlined, yet protective management requirements for recycled materials and recycling practices subject to RCRA jurisdiction. The goals of this effort are (1) to resolve the historical jurisdictional issues by establishing clear rules for determining which practices are part of an on-going production process and not part of the waste management problem; (i.e., outside of RCRA), and which practices may contribute to the waste management problem; (i.e., within RCRA jurisdiction); and (2) simplify and streamline the management requirements for those recycled materials and recycling practices subject to RCRA.

V. Environmental Benefit:

- _____ No Change
- _____ Small-Moderate Improve.
- X Significant Improvement
- _____ Need more information

Reduction of Burden:

☐ None
☐ Small-Moderate Reduction
☒ Significant Reduction

VI. Currently Funded or Planned? ☒ Yes
☐ No

VII. Planned Milestones (if appropriate): Proposed rule in Spring of 1996. (Tentative).

VIII. Key Questions/Issues/Activities: Numerous issues exist. They include: what criteria should be used to determine those materials/recycling practices subject to RCRA,, or conversely, outside of RCRA jurisdiction; what are the appropriate management practices for materials and recycling practices subject to RCRA, what approval systems are appropriate for different types of recycling; what tracking mechanisms should be used for materials sent off-site for recycling; should there a legitimacy test for recycling.

OSWER Regulatory Reform Analysis

I. Part 261 (Identification and Listing of Hazardous Waste; Subpart A (General); 40 CFR 261.3 (Definition of hazardous waste), 40 CFR 260.22 (Petitions to amend part 261 to exclude a waste produced at a particular facility))

II. Purpose of CFR Reference: Generally, 40 CFR 261.3 defines a hazardous waste as not excluded from regulation under 261.4 (b), and as meeting any of the following criteria: it exhibits a characteristic of hazardous waste identified in subpart C of 40 CFR 261; it is listed in subpart D of 40 CFR 261; it is a mixture of a solid and a hazardous waste that is listed in subpart D.

III. Recommended Review Category (Check One):

- No action
- Obsolete
- X Revise Rule(s) or Statute
- X Possibly Revise Rules, but further study necessary (delisting petitions)

IV. Revision Approach:

- ☒ Rule Change
- ☐ Statutory Change
- ☐ Consensual Negot.

Description of Revision: The current definition of hazardous waste includes hazardous waste mixed with other solid waste, and waste treatment residuals, regardless of the concentration of the hazardous constituents. These rules are called the "mixture" and "derived-from" rules. These rules are overly-broad and can include waste with very low concentrations because of good treatment practices, differences in processes across industry, or source reduction and process changes that have occurred since the waste was listed.

To overcome these problems, the Agency has initiated the hazardous waste identification rule (HWIR) to correct the over-regulatory aspects of these "mixture" and "derived-from" rules. The objective of this rule is to develop a system (exit criteria) for allowing low risk listed waste, treatment residues and mixtures, to exit from subtitle C requirements. Risk-based exit concentrations would eventually be developed for all or most of the 440 constituents on RCRA regulation Appendices 7, 8, and 9. Wastes containing less than the exit concentration for ALL of these constituents would be eligible to exit subtitle C. EPA currently plans to propose an option requiring evaluation of risks from hazardous waste constituents for both human health and ecological endpoints, by transport along numerous environmental pathways, and disposal by six different likely (non-subtitle C) disposal alternatives.

A related impact from this process possibly could be the elimination of some delisting petitions under 40 CFR 260.22.

- V. Environmental Benefit: ☒ No Change
 ☐ Small-Moderate Improve.
 ☐ Significant Improvement
 ☐ Need more information
- Reduction of Burden: ☐ None
 ☐ Small-Moderate Reduction
 ☒ Significant Reduction
- VI. Currently Funded or Planned? ☒ Yes
 ☐ No

VII. Planned Milestones (if appropriate): We plan to propose in August 1995, and finalize in December 1996.

VIII. Key Questions/Issues/Activities: Numerous issues exist including: scope of multipathway analysis; setting exit levels when toxicity data are incomplete; generator interaction with State where methods inadequate; enforceability; ability of States to oversee and review certification data from industry, relationship to treatment standards under RCRA Land Disposal Restrictions, etc.

OSWER Regulatory Reform Analysis

I. Part 261, 40 CFR 261.4(b)(3,4,5,7) Exclusions

II. Purpose of CFR Reference: Designation of solid wastes which are not hazardous wastes.

III. Recommended Review Category (Check One):

- ☒ No action
- ☐ Obsolete
- ☐ Revise Rule(s) or Statute(s)
- ☐ Possibly Revise Rule(s), but further study necessary

IV. Revision Approach:
(check all that apply)

- ☐ Rule Change
- ☐ Statutory Change
- ☐ Consensual Negotiations

Description of Revision: Example: These regulations relieve most "special wastes" (i.e., large volume, low hazard wastes) from regulation as hazardous wastes; therefore, no revisions are recommended. (Any revisions which could be made would largely be clarifications to cross-referenced citations to make the rules easier to read.) For those special wastes from mineral processing not excluded from hazardous regulation (by 261.4(b)(7)), any future regulations should make appropriate revisions in existing rules, reference citation(s), explain what we are doing/should do to determine whether rules should be revised.

V. Expected Impact:

A. Environmental Benefit:

- ☐ No Change
- ☐ Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

B. Reduction of Burden:

- ☐ None
- ☐ Small-Moderate Reduction
- ☐ Significant Reduction
- ☐ Need More Information

VI. Currently Funded or Planned? ☐ Yes
☐ No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: NA

OSWER Regulatory Reform Analysis

I. Part 261, Subpart A (General), 40 CFR 261.4 (a)((4) Exclusions
-- Source, special nuclear or byproduct material as defined by
the Atomic Energy Act of 1954, as amended.

II. Purpose of CFR Reference: This citation excludes from
regulation special nuclear or byproduct material as defined by
the Atomic Energy Act of 1954, as amended.

III. Recommended Review Category (Check One):

- ☐ No action
- ☐ Obsolete
- ☐ Revise Rule(s) or Statute(s)
- ☒ Possibly Revise Rule(s), but further study necessary

IV. Revision Approach: (check all that apply)

- ☒ Rule Change
- ☒ Statutory Change
- ☐ Consensual Negotiations

Description of Revision: In conjunction with the Department of
Energy, resolve issues associated with the management of wastes
that are a mixture of hazardous and nuclear wastes.

V. Expected Impact:

A. Environmental Benefit:

- ☒ No Change
- ☐ Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

B. Reduction of Burden:

- ☐ None
- ☒ Small-Moderate Reduction
- ☐ Significant Reduction
- ☐ Need More Information

VI. Currently Funded or Planned?

- ☐ Yes
- ☒ No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: NA

OSWER Regulatory Reform Analysis

I. Part 261, 40 CFR 2 61.4(b)(8) (Exclusions)

II. Purpose of CFR Reference: Designation of Solid Wastes Which are Not Hazardous Wastes: Cement Kiln Dust (CKD) waste.

III. Recommended Review Category (Check One):

- ☐ No action
- ☐ Obsolete
- ☒ Revise Rule(s) or Statute(s)
- ☐ Possibly Revise Rule(s), but further study necessary

IV. Revision Approach:

(check all that apply)

- ☒ Rule Change
- ☐ Statutory Change
- ☒ Consensual Negotiations

Description of Revision:

The Agency made a regulatory determination on cement kiln dust (60FR7366), published 2/7/95 that removes the exemption from RCRA Subtitle C hazardous waste regulation. Instead of full Subtitle C regulation, however, the Agency has decided to create new, minimally burdensome regulations under the provisions of Subtitle C that are tailored specifically to the risks posed by these wastes. The Agency is taking a common sense approach to the regulation development process and is involving all stakeholders in a series of meetings early in the process.

V. Expected Impact:

A. Environmental Benefit:

- ☐ No Change
- ☐ Small-Moderate Improve.
- ☒ Significant Improvement
- ☐ Need more information

B. Reduction of Burden:

- ☐ None
- ☐ Small-Moderate Reduction
- ☒ Significant Reduction
- ☐ Need More Information

VI. Currently Funded or Planned? ☒ Yes

☐ No

VII. Planned Milestones (if appropriate):

Initial plans are to promulgate new regulations for cement kiln dust by December of 1996.

VIII. Key Questions/Issues/Activities:

OSWER Regulatory Reform Analysis

I. Part 261 (Identification and Listing of Hazardous Waste), Subpart A (General), 40 CFR 261.5: Special Requirements for Hazardous Waste Generated by Conditionally Exempt Small Quantity Generators

II. Purpose of CFR Reference: This provision defines Conditionally Exempt Small Quantity Generators (CESQGs) as those that generate less than 100 kg of hazardous waste or less than 1 kg of acutely hazardous waste in a month. Also sets forth requirements for CESQG management of hazardous waste.

III. Recommended Review Category (Check One):

- ☐ No action
- ☐ Obsolete
- ☒ Revise Rule(s) or Statute
- ☐ Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- ☒ Rule Change
- ☐ Statutory Change
- ☐ Consensual Negot.

1. Description of Revision 1: Several minor revisions could be made to section 261.5 to clarify a number of issues about which we frequently receive questions. This would make the requirements more clear to the regulated community, thus reducing confusion and time smaller businesses spend researching requirements. A) Clarify requirements for wastes from generators who switch generator categories from month to month (261.5 and part 262). B) Clarify requirements for off-site in-transit storage of CESQG waste (261.5(f)(3) and (g)(3)).

2. Description of Revision 2: Clarify paragraph 261.5(c) to make it easier for generators to determine their generator category. This would clearly identify those wastes that must be counted, thus reducing confusion and time spent clarifying.

V. Environmental Benefit:

- ☒ No Change
- ☐ Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

Reduction of Burden:

- ☐ None
- ☒ Small-Moderate Reduction
- ☐ Significant Reduction

VI. Currently Funded or Planned?

- ☒ (2) Yes
- ☒ (1) No

VII. Planned Milestones (if appropriate): Revision 2: Final rule scheduled for June 1995.

VIII. Key Questions/Issues/Activities:

Revision 1: revisions relatively simple, but reduction of burden likely to be minor.

Revision 2: should make it easier for small generators (including many small businesses) to determine that they fit into the less regulated category of Conditionally Exempt Small Generators.

OSWER Regulatory Reform Analysis

I. Part 261 (Identification and Listing of Hazardous Waste), Subpart A (General), 40 CFR 261.7: Residues of Hazardous Waste in Empty Containers

II. Purpose of CFR Reference: This provision defines when a container that held hazardous waste is empty and is no longer subject to the hazardous waste regulations.

III. Recommended Review Category (Check One):

- ☐ No action
- ☐ Obsolete
- ☒ Revise Rule(s) or Statute
- ☐ Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- ☒ (1&2) Rule Change
- ☐ Statutory Change
- ☒ (2) Consensual Negot.

1. Description of Revision 1: Clarify the status of residues removed from containers that meet the definition of empty. Resolving the existing confusion and disagreement over this issue would make the requirements clear to state implementing agencies and the regulated community, thus reducing confusion and time spent debating the issue.

2. Description of Revision 2: Clarify the regulatory status of and requirements applicable to facilities that remove residues from containers. Resolution of this issue would reduce confusion and disagreement and remove the threat of enforcement action at cleaning facilities caused by uncertainty over applicable requirements.

V. Environmental Benefit:

- ☐ No Change
- ☐ Small-Moderate Improve.
- ☐ Significant Improvement
- ☒ Need more information

Reduction of Burden:

- ☐ None
- ☒ Small-Moderate Reduction
- ☐ Significant Reduction

VI. Currently Funded or Planned?

- ☐ Yes
- ☒ No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: Resolution of issues would require some resources and, although administrative burden would be reduced, such a revision could result in some increased burden if residues are currently being managed inconsistently with the regulations and we conclude such management is inappropriate.

OSWER Regulatory Reform Analysis

I. Part 261, Subpart B (Criteria for Identifying the Characteristics of Hazardous Waste and for Listing Hazardous Waste; 40 CFR 261.10 (Criteria for identifying characteristics of hazardous waste); 40 CFR 261.11 (Criteria for listing hazardous waste)).

II. Purpose of CFR Reference: These citations describe the criteria necessary for identifying and defining a characteristic of hazardous waste, and listing a hazardous waste, respectively.

III. Recommended Review Category (Check One):

- No action
- Obsolete
- X Revise Rule(s) or Statute
- Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- X Rule Change
- Statutory Change
- Consensual Negot.

Description of Revision: Delete 40 CFR 261.11 (a)(1) which references the use of characteristics as being a criteria for listing a hazardous waste. This citation is not used in determining listing decisions..

Environmental Benefit:

- X No Change
- Small-Moderate Improve.
- Significant Improvement
- Need more information

Reduction of Burden:

- X None
- Small-Moderate Reduction
- Significant Reduction

VI. Currently Funded or Planned?

- Yes
- X No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: NA

OSWER Regulatory Reform Analysis

I. Part 261, Subpart B, 40 CFR 261.11 (a)(3) (Appendix VIII Constituents)

II. Purpose of CFR Reference: This citation references Appendix VIII, which contains a list of toxic constituents that the Administrator may conclude is capable of posing a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed.

III. Recommended Review Category (Check One):

- ☐ No action
- ☐ Obsolete
- ☒ Revise Rule(s) or Statute(s)
- ☐ Possibly Revise Rule(s), but further study necessary

IV. Revision Approach:
(check all that apply)

- ☒ Rule Change
- ☐ Statutory Change
- ☐ Consensual Negotiations

Description of Revision: Review list of Appendix VIII constituents and determine whether sufficient environmental and health data exists to warrant their removal because they do not pose a substantial present or potential hazard through improper management.

V. Expected Impact:

A. Environmental Benefit:

- ☒ No Change
- ☐ Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

B. Reduction of Burden:

- ☐ None
- ☐ Small-Moderate Reduction
- ☐ Significant Reduction
- ☒ Need More Information

VI. Currently Funded or Planned?

- ☐ Yes
- ☒ No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: Possible adverse public impact.

OSWER Regulatory Reform Analysis

I. Part 261, Subpart C (Characteristics of Hazardous Waste); 40 CFR 261.20-24

II. Purpose of CFR Reference: These citations identify and define the characteristics of solid waste that are hazardous waste under this subpart. More specifically, 40 CFR 261.21 identifies the properties for a solid waste exhibiting the characteristic of ignitability to be a hazardous waste; 40 CFR 261.22 identifies the properties for a solid waste exhibiting the characteristic of corrosivity to be a hazardous waste; 40 CFR 261.23 identifies the properties for a solid waste exhibiting the characteristic of reactivity to be a hazardous waste; and 40 CFR 261.24 identifies the properties of a solid waste exhibiting the characteristic of toxicity to be a hazardous waste.

III. Recommended Review Category (Check One):

- No action
- Obsolete
- X Revise Rule(s) or Statute
- Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- X Rule Change
- _____ Statutory Change
- _____ Consensual Negot.

Description of Revision: Modify 40 CFR 261.21-23 to incorporate the latest properties for identifying a hazardous waste related to exhibiting the characteristics of ignitability, corrosivity and reactivity. The current properties are outdated and conflict with criteria already in use by DOT and others. As a result, industry faces uncertainty and the burden of disproving their materials are not hazardous waste.

Environmental Benefit:

- _____ No Change
- X Small-Moderate Improve.
- _____ Significant Improvement
- _____ Need more information

Reduction of Burden:

- _____ None
- X Small-Moderate Reduction
- _____ Significant Reduction

VI. Currently Funded or Planned?

- _____ Yes
- X No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: Need to coordinate with DOT in any regulatory efforts.

OSWER Regulatory Reform Analysis

I. Part 261, Subpart C (Characteristic of Hazardous Waste);
40 CFR 261.24 (b) (Toxicity Characteristic for Silver)

II. Purpose of CFR Reference: Table 1 of 40 CFR 261.24 (Maximum concentration of contaminants for the toxicity characteristic) identifies particular contaminantss as as hazardous waste if it exceeds a specified regulatory threshold. One such contaminant is silver.

III. Recommended Review Category (Check One):

- No action
- Obsolete
- X Revise Rule(s) or Statute
- Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- X Rule Change
- Statutory Change
- Consensual Negot.

Description of Revision: Healh studies have shown silver not to be a health concern. Therefore, modify Table 1 of 40 CFR 261.24 (b) to eliminate silver as a toxic contaminant of concern. Thousands of small businesses (dentists, printers, photographers) would be affected by this modification.

V. Environmental Benefit:

- X No Change
- Small-Moderate Improve.
- Significant Improvement
- Need more information

Reduction of Burden:

- None
- Small-Moderate Reduction
- X Significant Reduction

VI. Currently Funded or Planned?

- Yes
- X No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: NA

OSWER Regulatory Reform Analysis

I. Part 261, Subpart D (Lists of Hazardous Wastes), 40 CFR 261.30-32.

II. Purpose of CFR Reference: These citations identify listed hazardous wastes from non-specific sources (40 CFR 261.31) and from specific sources (40 CFR 261.32).

III. Recommended Review Category (Check One):

- ☒ No action
- ☐ -- Obsolete
- ☐ Revise Rule(s) or Statute
- ☐ -- Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- ☐ Rule Change
- ☐ Statutory Change
- ☐ Consensual Negot.

Description of Revision: NA

V. Environmental Benefit:

- ☐ No Change
- ☐ Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

Reduction of Burden:

- ☐ None
- ☐ Small-Moderate Reduction
- ☐ Significant Reduction

VI. Currently Funded or Planned?

- ☐ Yes
- ☐ No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: NA

OSWER Regulatory Reform Analysis

I. Part 261, Subpart D (Lists of Hazardous Wastes), 40 CFR 261.33 (Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof).

II. Purpose of CFR Reference: This citation identifies materials or items that are hazardous wastes if and when they are discarded or intended to be discarded as described in 40 CFR 261.2(a)(2)(i) pertaining to the definition of solid waste.

III. Recommended Review Category (Check One):

- No action
- Obsolete
- Revise Rule(s) or Statute
- X Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- X Rule Change
- Statutory Change
- Consensual Negot.

Description of Revision: The current test (sole active ingredient) for listing discarded commercial chemical products may be obsolete. Other, more accurate and reliable methods may exist (or soon exist) that provide a more realistic estimate of risks from such products.

V. Environmental Benefit:

- No Change
- X Small-Moderate Improve.
- Significant Improvement
- Need more information

Reduction of Burden:

- None
- Small-Moderate Reduction
- Significant Reduction
- X Need more information

VI. Currently Funded or Planned?

- Yes
- X No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: NA

OSWER Regulatory Reform Analysis

I. Part 261, Subpart D (Lists of Hazardous Wastes), 40 CFR 261.35
(Deletion of certain hazardous waste codes following equipment
cleaning and replacement).

II. Purpose of CFR Reference: This citation describes the requirements that must be met for wastes from wood preserving processes at plants that do not resume or initiate use of chlorophenolic preservatives to not meet the listing definition of F032.

III. Recommended Review Category (Check One):

- No action
- Obsolete
- Revise Rule(s) or Statute
- X Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- X Rule Change
- Statutory Change
- Consensual Negot.

Description of Revision: The cleaning and replacement requirements necessary for wastes from wood preserving processes not to be listed are very detailed and prescriptive. At issue is whether enforceable performance standards could be devised lessening the regulatory burden, while still protecting human health and the environment.

V. Environmental Benefit:

- No Change
- Small-Moderate Improve.
- Significant Improvement
- X Need more information

Reduction of Burden:

- None
- X Small-Moderate Reduction
- Significant Reduction

VI. Currently Funded or Planned?

- Yes
- X No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: Ability to devise reliable and enforceable performance standards.

OSWER Regulatory Reform Analysis

I. Part 262 (Standards Applicable to Generators of Hazardous Waste), Subpart A (General), 40 CFR 262.10 Purpose, Scope and Applicability

II. Purpose of CFR Reference: This provision describes the overall scope and applicability of regulations governing generators of hazardous waste.

III. Recommended Review Category (Check One):

- ☒ No action
- ☐ Obsolete
- ☐ Revise Rule(s) or Statute
- ☐ Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- ☐ Rule Change
- ☐ Statutory Change
- ☐ Consensual Negotiations

Description of Revision: NA

V. Environmental Benefit:

- ☐ No Change
- ☐ Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

Reduction of Burden:

- ☐ None
- ☐ Small-Moderate Reduction
- ☐ Significant Reduction

VI. Currently Funded or Planned?

- ☐ Yes
- ☐ No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: NA

OSWER Regulatory Reform Analysis

I. Part 262 (Standards Applicable to Generators of Hazardous Waste), Subpart A (General), 40 CFR 262.11 Hazardous Waste Determination

II. Purpose of CFR Reference: This provision describes the procedure a person who generates a solid waste must use to determine if that waste is a hazardous waste.

III. Recommended Review Category (Check One):

- ☒ No action
- ☐ Obsolete
- ☐ Revise Rule(s) or Statute
- ☐ Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- ☐ Rule Change
- ☐ Statutory Change
- ☐ Consensual Negotiations

Description of Revision: NA

V. Environmental Benefit:

- ☐ No Change
- ☐ Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

Reduction of Burden:

- ☐ None
- ☐ Small-Moderate Reduction
- ☐ Significant Reduction

VI. Currently Funded or Planned?

- ☐ Yes
- ☐ No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: NA

OSWER Regulatory Reform Analysis

I. Part 262 (Standards Applicable to Generators of Hazardous Waste), Subpart A (General), 40 CFR 262.12: EPA Identification Numbers

II. Purpose of CFR Reference: This provision requires generators of hazardous waste to obtain an EPA identification number from the Administrator using the notification form.

III. Recommended Review Category (Check One):

- ☐ No action
☐ Obsolete
☒ X(2) Revise Rule(s) or Statute
☒ X(1) Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- ☒ X Rule Change
☐ Statutory Change
☐ Consensual Negotiations

1. Description of Possible Revision 1: Modify the notification form to reduce: 1) any redundancy with other notification or reporting requirements (e.g., other EPA program reporting requirements, part A permits, biennial reports), 2) requests for unnecessary information, and 3) requests for any unnecessarily detailed information.

2. Description of Revision 2: Revise the regulation to specify that one EPA identification number may be used for certain situations where numerous small locations (sites) are under the control of one entity (e.g., universities, utility sites). Would reduce burden for regulated community and for agencies that issue identification numbers.

V. Environmental Benefit:

- ☒ X No Change
☐ Small-Moderate Improve.
☐ Significant Improvement
☐ Need more information

Reduction of Burden:

- ☐ None
☒ X Small-Moderate Reduction
☐ Significant Reduction

VI. Currently Funded or Planned?

- ☐ Yes (internal study)
☒ X No

VII. Planned Milestones (if appropriate): Revision 1: An on-going study (Waste Information Needs (WIN) study) is assessing information needs and overlaps in information collection. Recommendations will be made in the fall of 1995.

VIII. Key Questions/Issues/Activities:

Revision 1: Coordination required with other EPA program offices. Integration of needs of all users of information necessary.

Revision 2: Would require identification of appropriate situations for use of one EPA ID number.

OSWER Regulatory Reform Analysis

I. Part 262 (Standards Applicable to Generators of Hazardous Waste), Subpart B (Manifest), 40 CFR 262.20-23 and Appendix.

II. Purpose of CFR Reference: These provisions describe the manifest tracking system that generators must use when shipping hazardous waste off-site. These include general requirements (262.20), acquisition of manifests (262.21), number of copies (262.22), use of the manifest (262.23), and the manifest form (appendix).

III. Recommended Review Category (Check One):

- ☐ No action
- ☐ Obsolete
- ☒ Revise Rule(s) or Statute
- ☐ Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- ☒ Rule Change
- ☐ Statutory Change
- ☒ Consensual Negot.

1. Description of Revision 1: As part of the Agency's Definition of Solid Waste rulemaking, possible alternatives to the existing manifest system to be used for tracking shipments of recycled hazardous waste are being analyzed. The goal is to develop an alternative manifest system that is less burdensome for generators, transporters, and implementing agencies but that ensures accountability for the waste and meets other needs of users of the manifest system.

2. Description of Revision 2: As agreed with a regulatory negotiation committee, revise the manifest form to minimize variation from state to state, allowing the use of a more consistent form for all hazardous waste transportation. Also standardize procedures for use of the form in certain unusual situations to eliminate confusion and inconsistency.

V. Environmental Benefit:

- ☒ No Change Projected
- ☐ Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

Reduction of Burden:

- ☐ None
- ☒ Small-Moderate Reduction
- ☒ Significant Reduction

VI. Currently Funded or Planned?

- ☒ Yes
- ☐ No

VII. Planned Milestones (if appropriate):

Revision 1: Definition of Solid Waste rule proposal -- Spring 1996.

Revision 2: Proposed rule summer 1995, final rule spring 1996.

VIII. Key Questions/Issues/Activities:

Revision 1: Ability to ensure accountability for waste; consistency with DOT rules and impact on interstate transport issues; impact on current State information management systems and State user-face systems; possibility of expanding revised system to cover all wastes, not just recycled wastes.

Revision 2: Federal burden reduction small or none because the revised form would require more information than the current federal form. The additional information, however, has been required by states in the past, thus the overall burden (state plus federal) is likely to remain roughly the same. There should be some reduction in the overall burden due to increased consistency among states.

OSWER Regulatory Reform Analysis

I. Part 262 (Standards Applicable to Generators of Hazardous Waste), Subpart C (Pre-Transport Requirements), 40 CFR 262.30 (Packaging), 40 CFR 262.31 (Labeling), 40 CFR 262.32 (Marking) and 40 CFR 262.33 (Placarding).

II. Purpose of CFR Reference: These provisions apply to generators shipping hazardous waste off-site. They refer generators to the appropriate Department of Transportation requirements for packaging, labeling, marking, and placarding shipments.

III. Recommended Review Category (Check One):

- ☒ No action
- ☐ Obsolete
- ☐ Revise Rule(s) or Statute
- ☐ Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- ☐ Rule Change
- ☐ Statutory Change
- ☐ Consensual Negot.

Description of Revision: NA -- EPA references applicable DOT regulations.

V. Environmental Benefit:

- ☐ No Change
- ☐ Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

Reduction of Burden:

- ☐ None
- ☐ Small-Moderate Reduction
- ☐ Significant Reduction

VI. Currently Funded or Planned?

- ☐ Yes
- ☐ No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: NA

OSWER Regulatory Reform Analysis

I. Part 262 (Standards Applicable to Generators of Hazardous Waste), Subpart C (Pre-Transport Requirements), 40 CFR 262.34(a) Accumulation Time.

II. Purpose of CFR Reference: 262.34(a) allows large quantity generators to accumulate hazardous waste on-site for 90 days or less without a permit. 262.34(a)(1) sets forth technical management requirements for accumulation units, including references to portions of 40 CFR part 265 (subpart I for containers, subpart J for tanks, subpart W for drip pads, and Subpart DD for containment buildings). See 40 CFR part 265, subparts I, J, W, and DD, for recommended revisions to these provisions.

III. Recommended Review Category (Check One):

- ☒ No action
- ☐ Obsolete
- ☐ Revise Rule(s) or Statute
- ☐ Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- ☐ Rule Change
- ☐ Statutory Change
- ☐ Consensual Negot.

Description of Revision: See 40 CFR part 265, subparts I, J, W, and DD, for related recommendations.

V. Environmental Benefit:

- ☐ No Change
- ☐ Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

Reduction of Burden:

- ☐ None
- ☐ Small-Moderate Reduction
- ☐ Significant Reduction

VI. Currently Funded or Planned?

- ☐ Yes
- ☐ No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: NA

OSWER Regulatory Reform Analysis

I. Part 262 (Standards Applicable to Generators of Hazardous Waste), Subpart C (Pre-Transport Requirements), 40 CFR 262.34(a)(4) Accumulation time.

II. Purpose of CFR Reference: 262.34(a) allows large quantity generators to accumulate hazardous waste on-site for 90 days or less without a permit, and sets forth requirements for these generators. 262.34(a)(4) references portions of 40 CFR part 265 (subpart C for preparedness and prevention requirements, subpart D for contingency planning requirements, and 265.16 for personnel training requirements). See 40 CFR part 264, subparts C, D, and 264.16 for recommended revisions to these provisions.

III. Recommended Review Category (Check One):

- ☒ No action
- ☐ Obsolete
- ☐ Revise Rule(s) or Statute
- ☐ Possibly Revise Rules, but further study necessary

IV. Revision Approach: ☐ Rule Change (if approp.)
☐ Statutory Change
☐ Consensual Negot.

Description of Revision: See 40 CFR subparts C and D and 264.167 for specific recommendations.

V. Environmental Benefit: ☐ No Change
☐ Small-Moderate Improve.
☐ Significant Improvement
☐ Need more information

Reduction of Burden: ☐ None
☐ Small-Moderate Reduction
☐ Significant Reduction

VI. Currently Funded or Planned? ☐ Yes
☐ No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: NA

OSWER Regulatory Reform Analysis

- I. Part 262 (Standards Applicable to Generators of Hazardous Waste), Subpart C (Pre-Transport Requirements), 40 CFR 262.34(b) and (f): Accumulation Time
- II. Purpose of CFR Reference: These provisions apply permitting requirements to generators who accumulate hazardous waste for more than 90 days (large quantity generators) or 180/270 days (small quantity generators). Also allow EPA or the state to grant a 30-day extension to the 90/180/270-day period on a case-by-case basis if necessary due to unforeseen, temporary and uncontrollable circumstances.

III. Recommended Review Category (Check One):

- ☐ No action
☐ Obsolete
☐ Revise Rule(s) or Statute
☒ Possibly Revise Rules, but further study necessary

- IV. Revision Approach: ☒ Rule Change (if approp.)
☐ Statutory Change
☐ Consensual Negot.

Description of Possible Revision: Consider allowing generators to use 30-day extension without EPA/state approval. Perhaps require notification to EPA/state, or limit use of the extension to prevent abuse.

- V. Environmental Benefit: ☒ No Change
☐ Small-Moderate Improve.
☐ Significant Improvement
☐ Need more information

- Reduction of Burden: ☐ None
☒ Small-Moderate Reduction
☐ Significant Reduction

- VI. Currently Funded or Planned? ☐ Yes
☒ No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: How to craft regulation to prevent generators from abusing flexibility and to make the provision enforceable.

OSWER Regulatory Reform Analysis

- I. Part 262 (Standards Applicable to Generators of Hazardous Waste), Subpart C (Pre-Transport Requirements), 40 CFR 262.34(c)-(e): Accumulation Time
- II. Purpose of CFR Reference: These provisions set forth management requirements for large quantity generators accumulating hazardous waste at satellite accumulation points, and on-site accumulation requirements for generators who generate between 100 and 1,000 kg of hazardous waste per month (small quantity generators).

III. Recommended Review Category (Check One):

- ☐ No action
☐ Obsolete
☐ Revise Rule(s) or Statute
☒ Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- ☒ Rule Change
☒ Statutory Change
 (possibly)
☐ Consensual Negot.

Description of Revision: Examine the relationship between large quantity generator requirements and small businesses. At issue is the costs and benefits of applying large quantity generator requirements to small businesses.

V. Environmental Benefit:

- ☒ No Change
☐ Small-Moderate Improve.
☐ Significant Improvement
☐ Need more information

Reduction of Burden:

- ☐ None
☐ Small-Moderate Reduction
☒ Significant Reduction
 (possibly)

VI. Currently Funded or Planned?

- ☐ Yes
☒ No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: Do small businesses obtain same amount of environmental benefits as large businesses for the amount of their environmental control investment?

OSWER Regulatory Reform Analysis

- I. Part 262 (Standards Applicable to Generators of Hazardous Waste), Subpart D (Recordkeeping and Reporting), 40 CFR 262.40-44.
- II. Purpose of CFR Reference: These provisions set forth reporting and recordkeeping requirements for generators of hazardous waste. They include keeping a copy of records (262.40); biennial reporting (262.41); exception reporting (262.43); additional reporting (262.43); and reduced recordkeeping requirements for generators of between 100 and 1000 kg/mo (262.44).
- III. Recommended Review Category (Check One):
- ☐ No action
 - ☐ Obsolete
 - ☐ Revise Rule(s) or Statute
 - ☒ Possibly Revise Rules, but further study necessary
- IV. Revision Approach:
- ☒ Rule Change
 - ☐ Statutory Change
 - ☐ Consensual Negotiations
- Description of Possible Revision: Eliminate any unnecessary and duplicative recordkeeping and reporting. An internal Agency study is being conducted to analyze existing recordkeeping and reporting requirements and will make recommendations this fall on changes to be made.
- V. Environmental Benefit:
- ☒ No Change
 - ☐ Small-Moderate Improve.
 - ☐ Significant Improvement
 - ☐ Need more information
- Reduction of Burden:
- ☐ None
 - ☒ Small-Moderate Reduction
 - ☐ Significant Reduction
- VI. Currently Funded or Planned?
- ☐ Yes (internal study)
 - ☒ No
- VII. Planned Milestones (if appropriate): An on-going study (Waste Information Needs (WIN) study) is assessing information needs and overlaps in information collection. Recommendations will be made in the fall of 1995.
- VIII. Key Questions/Issues/Activities: Coordination required with other EPA program offices and States. Integration of needs of all users of information necessary. Identification of the minimum level of recordkeeping and reporting that will still enable EPA/State to carry out their mission effectively.

OSWER Regulatory Reform Analysis

I. 40 CFR Part 262, Subpart E, "Exports of Hazardous Waste", 40 CFR 262.50-57.

II. Purpose of CFR Reference: Describe requirements to ensure that the U.S. government and the government of the importing country are aware of exports, and that the receiving country consents to the shipment.

III. Recommended Review Category (Check One):

- ☐ No action
- ☐ Obsolete
- ☐ Revise Rule(s) or Statute(s)
- ☒ Possibly Revise Rule(s), but further study necessary

IV. Revision Approach:
(check all that apply)

- ☒ Rule Change
- ☐ Statutory Change
- ☐ Consensual Negotiations

Description of Revision: The prior approval process might be streamlined while still ensuring the governments involved are aware of the shipments. Most likely, this streamlining would only be attempted with the major U.S. trading partners (OECD).

V. Expected Impact:

A. Environmental Benefit:

- ☒ No Change
- ☐ Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

B. Reduction of Burden:

- ☐ None
- ☒ Small-Moderate Reduction
- ☐ Significant Reduction
- ☐ Need More Information

VI. Currently Funded or Planned?

- ☐ Yes
- ☒ No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: NA

OSWER Regulatory Reform Analysis

I. 40 CFR Part 262, Subpart F, "Imports of Hazardous Waste", 40CFR 262.60

II. Purpose of CFR Reference: Establish requirements for persons importing hazardous waste into the U.S.

III. Recommended Review Category (Check One):

- ☐ No action
- ☐ Obsolete
- ☐ Revise Rule(s) or Statute(s)
- ☒ Possibly Revise Rule(s), but further study necessary

IV. Revision Approach:
(check all that apply)

- ☒ Rule Change
- ☐ Statutory Change
- ☐ Consensual Negotiations

Description of Revision: Clarify terms (e.g. definition of "importer") and make the regulations simpler.

V. Expected Impact:

A. Environmental Benefit:

- ☐ No Change
- ☒ Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

B. Reduction of Burden:

- ☐ None
- ☒ Small-Moderate Reduction
- ☐ Significant Reduction
- ☐ Need More Information

VI. Currently Funded or Planned? ☐ Yes
☒ No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: NA

OSWER Regulatory Reform Analysis

I. Part 262 (Standards Applicable to Generators of Hazardous Waste), Subpart G (Farmers), 40 CFR 262.70: Farmers.

II. Purpose of CFR Reference: This provision allows farmers to dispose of waste pesticides from their own use on their farms as long as they triple rinse their containers and comply with the pesticide label instructions.

III. Recommended Review Category (Check One):

- ☒ No action
- ☐ Obsolete
- ☐ Revise Rule(s) or Statute
- ☐ Possibly Revise Rules, but further study necessary

IV. Revision Approach: ☐ Rule Change
☐ Statutory Change
☐ Consensual Negot.

Description of Revision: NA

V. Environmental Benefit: ☐ No Change
☐ Small-Moderate Improve.
☐ Significant Improvement
☐ Need more information

Reduction of Burden: ☐ None
☐ Small-Moderate Reduction
☐ Significant Reduction

VI. Currently Funded or Planned? ☐ Yes
☐ No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: NA

OSWER Regulatory Reform Analysis

I. Part 263 (Standards Applicable to Transporters of Hazardous Waste), Subpart A (General), 40 CFR 263.10: Scope.

II. Purpose of CFR Reference: This provision describes the overall scope and applicability of regulations governing transporters of hazardous waste.

III. Recommended Review Category (Check One):

- ☒ No action
- ☐ Obsolete
- ☐ Revise Rule(s) or Statute
- ☐ Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- ☐ Rule Change
- ☐ Statutory Change
- ☐ Consensual Negotiations

Description of Revision: NA

V. Environmental Benefit:

- ☐ No Change
- ☐ Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

Reduction of Burden:

- ☐ None
- ☐ Small-Moderate Reduction
- ☐ Significant Reduction

VI. Currently Funded or Planned?

- ☐ Yes
- ☐ No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: NA

OSWER Regulatory Reform Analysis

I. Part 263 (Standards Applicable to Transporters of Hazardous Waste), Subpart A (General), 40 CFR 263.11: EPA Identification Number

II. Purpose of CFR Reference: This provision requires transporters of hazardous waste to obtain an EPA identification number from the Administrator using the notification form.

III. Recommended Review Category (Check One):

- ☐ No action
- ☐ Obsolete
- ☐ Revise Rule(s) or Statute
- ☒ Possibly Revise Rules, but further study necessary

IV. Revision Approach: ☒ Rule Change
☐ Statutory Change
☐ Consensual Negotiations

Description of Possible Revision: Modify the notification form to reduce: 1) any redundancy with other notification or reporting requirements (e.g., other EPA program reporting requirements, DOT requirements), 2) requests for any unnecessary information, and 3) requests for any unnecessarily detailed information.

V. Environmental Benefit: ☒ No Change
☐ Small-Moderate Improve.
☐ Significant Improvement
☐ Need more information

Reduction of Burden: ☐ None
☒ Small-Moderate Reduction
☐ Significant Reduction

VI. Currently Funded or Planned? ☐ Yes (internal study)
☒ No

VII. Planned Milestones (if appropriate): An on-going study (Waste Information Needs (WIN) study) is assessing information needs and overlaps in information collection. Recommendations will be made in the fall of 1995.

VIII. Key Questions/Issues/Activities: Coordination required with other EPA program offices, the States and DOT. Integration of needs of all users of information necessary.

OSWER Regulatory Reform Analysis

- I. Part 263 (Standards Applicable to Transporters of Hazardous Waste), Subpart A (General), 40 CFR 263.12: Transfer Facilities.
- II. Purpose of CFR Reference: This provision allows transporters to store hazardous waste for up to ten days at a transfer facility without obtaining a permit.
- III. Recommended Review Category (Check One):

☐ No action
☐ Obsolete
☐ Revise Rule(s) or Statute
☒ Possibly Revise Rules, but further study necessary

- IV. Revision Approach: ☒ Rule Change
☐ Statutory Change
☐ Consensual Negot.

Description of (Possible) Revision: Revise the transfer facility provision to specify what activities may and may not be conducted at a transfer facility, and what requirements are applicable to those activities. Resolving the existing confusion and disagreement over this issue would make the requirements clear to state implementing agencies and the regulated community, thus reducing confusion and time spent debating the issue.

- V. Environmental Benefit: ☐ No Change Projected
☐ Small-Moderate Improve.
☐ Significant Improvement
☒ Need more information

Reduction of Burden: ☐ None
☒ Small-Moderate Reduction
☐ Significant Reduction

- VI. Currently Funded or Planned? ☐ Yes
☒ No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: Coordination with DOT and state agencies required. Environmental impacts of various transfer facility activities need to be evaluated.

OSWER Regulatory Reform Analysis

I. Part 263 (Standards Applicable to Transporters of Hazardous Waste), Subpart B (Compliance with the Manifest System and Recordkeeping), 40 CFR 263.20 (The Manifest System), 40 CFR 263.21 (Compliance With the Manifest), and 40 CFR 263.22 (Recordkeeping)

II. Purpose of CFR Reference: These provisions describe the manifest tracking system that transporters must use when transporting hazardous waste.

III. Recommended Review Category (Check One):

- ☐ No action
☐ Obsolete
☒ Revise Rule(s) or Statute
☐ Possibly Revise Rules, but further study necessary

IV. Revision Approach: X(1&2) Rule Change
☐ Statutory Change
X(2) Consensual Negot.

1. Description of Revision 1: As part of the Agency's Definition of Solid Waste rulemaking, possible alternatives to the existing manifest system to be used for tracking shipments of recycled hazardous waste are being analyzed. The goal is to develop an alternative manifest system that is less burdensome for generators, transporters, and implementing agencies but that ensures accountability for the waste and meets other needs of users of the manifest system.

2. Description of Revision 2: As agreed with a regulatory negotiation committee, revise the manifest form to minimize variation from state to state, allowing the use of a more consistent form for all hazardous waste transportation. Also standardize procedures for use of the form in certain unusual situations to eliminate confusion and inconsistency.

V. Environmental Benefit: ☒ No Change Projected
☐ Small-Moderate Improve.
☐ Significant Improvement
☐ Need more information

Reduction of Burden: ☐ None
X(2) Small-Moderate Reduction
X(1) Significant Reduction

VI. Currently Funded or Planned? ☒ Yes
☐ No

VII. Planned Milestones (if appropriate):

Revision 1: Definition of Solid Waste rule proposal -- Spring 1996.

Revision 2: Proposed rule summer 1995, final rule spring 1996.

VIII. Key Questions/Issues/Activities:

Revision 1: Ability to ensure accountability for waste; consistency with DOT rules and impact on interstate transport issues; impact on current State information management systems and State user-fee systems; possibility of expanding revised system to cover all wastes, not just recycled wastes.

Revision 2: Federal burden reduction small or none because the revised form would require more information than the current federal form. The additional information, however, has been required by states in the past, thus the overall burden (state plus federal) is likely to remain roughly the same. There should be some reduction in the overall burden due to increased consistency among states.

OSWER Regulatory Reform Analysis

I. Part 263 (Standards Applicable to Transporters of Hazardous Waste), Subpart C (Hazardous Waste Discharges), 40 CFR 263.30 (Immediate Action) and 40 CFR 263.31 (Discharge Clean Up).

II. Purpose of CFR Reference: These provisions set forth actions transporters must take to respond to a discharge during transportation. Most requirements are references to DOT regulations.

III. Recommended Review Category (Check One):

- ☒ No action
- ☐ Obsolete
- ☐ Revise Rule(s) or Statute
- ☐ Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- ☐ Rule Change
- ☐ Statutory Change
- ☐ Consensual Negotiations

Description of Revision: NA

V. Environmental Benefit:

- ☐ No Change
- ☐ Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

Reduction of Burden:

- ☐ None
- ☐ Small-Moderate Reduction
- ☐ Significant Reduction

VI. Currently Funded or Planned?

- ☐ Yes
- ☐ No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: NA

OSWER Regulatory Reform Analysis

I. Part 264, Subpart A, 40 CFR 264. - General

II. Purpose of CFR Reference: Subpart A establishes the purpose, scope and applicability of the technical permitting standards.

III. Recommended Review Category (Check One):

- X No action
- Obsolete
- Revise Rule(s) or Statute
- Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- ___ Rule Change
- ___ Statutory Change

Description of Revision: NA

V. Environmental Benefit:

- ___ No Change
- ___ Small-Moderate Improve.
- ___ Significant Improvement
- ___ Need more information

Reduction of Burden:

- ___ None
- ___ Small-Moderate Reduction
- ___ Significant Reduction

VI. Currently Funded or Planned?

- ___ Yes
- ___ No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: NA

OSWER Regulatory Reform Analysis

I. Parts 264, Subpart B, 40 CFR 264 - General Facility Standards

II. Purpose of CFR Reference: Subpart B sets forth general standards that apply to all RCRA facilities such as security, training, and safe management of ignitable, corrosive and reactive wastes.

III. Recommended Review Category (Check One):

- No action
-- Obsolete
-- Revise Rule(s) or Statute
☒ Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- ☒ Rule Change
☐ Statutory Change

Description of Revision: (1) Investigate the feasibility of referencing OSHA regulations to reduce potential redundancy with RCRA regulations pertaining to security, training and safe management of hazardous wastes; or (2) investigate feasibility of modifying 40 CFR 264.12 (b) and (c) (Required Notices); 40 CFR 264.15 (General inspection requirements); 40 CFR 264.16 (Personnel training) to reduce regulatory burden on owner/operator.

V. Environmental Benefit:

- ☐ No Change
☐ Small-Moderate Improve.
☐ Significant Improvement
☒ Need more information

Reduction of Burden:

- ☐ None
☐ Small-Moderate Reduction
☒ Significant Reduction
(possibly)

VI. Currently Funded or Planned? ☐ Yes

☒ No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: Does sufficient overlap in OSHA and RCRA regulations exist to eliminate redundancy? If specific citations in Subpart B modified, will environmental protection or enforceability be jeopardized?

OSWER Regulatory Reform Analysis

I. Part 264 Subpart C - Preparedness and Prevention

II. Purpose of CFR Reference: These regulations apply to owners and operators of hazardous waste facilities. Subpart C regulations state that facilities must be designed, constructed, maintained, and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste. The regulations address required equipment, testing and maintenance of equipment, access to communications or an alarm system, required aisle space, and arrangements with local authorities.

III. Recommended Review Category (Check One):

- ☐ No action
- ☐ Obsolete
- ☐ Revise Rule(s) or Statute
- ☒ Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- ☒ Rule Change
- ☐ Statutory Change

Description of Change: OSWER/CEPPO is currently developing Risk Management Programs for the Chemical Accidental Release Prevention rule. A proposal was published in the federal register on October 20, 1993, and a supplemental notice was recently signed by the Administrator on February 28, 1995. The risk management programs (RMPs) rule is more comprehensive than RCRA regulations and will require facilities to prepare and implement RMPs that include a hazard assessment, a prevention program, and an emergency response program. OSW is working with CEPPO to ensure that RCRA facilities "get credit" for their RCRA requirements, and do not have to duplicate effort. After the RMPs rule becomes effective, the possibility exists to eliminate Subpart C under Parts 264 & 265, and instead state that RCRA facilities must be in compliance with the RMPs requirements.

V. Environmental Benefit:

☒ No Change
☐ Small-Moderate Improve.
☐ Significant Improvement
☐ Need more information

Reduction of Burden:

☐ None
☒ Small-Moderate Reduction
☐ Significant Reduction

VI. Currently Funded or Planned?

☐ Yes
☒ No

VII. Planned Milestones (if appropriate): Date rule revision is planned to be proposed/promulgated, or study completed to determine possible rule revisions.

VIII. Key Questions/Issues/Activities: NA

OSWER Regulatory Reform Analysis

I. Part 264, Subpart D - Contingency Plan and Emergency Procedures.

II. Purpose of CFR Reference: Subpart D regulations state that owners or operators must have a contingency plan for their facility, which is designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste. The regulations address the content of contingency plans, submitting copies of contingency plans, amending contingency plans, designating an emergency coordinator, and emergency procedures.

III. Recommended Review Category (Check One):

- ☐ No action
- ☐ Obsolete
- ☐ Revise Rule(s) or Statute
- ☒ Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- ☒ Rule Change
- ☐ Statutory Change

Description of Revision: OSWER/CEPPO is currently developing the Risk Management Programs for Chemical Accidental Release Prevention rule. A proposal was published in the federal register on October 20, 1993, and a supplemental notice was recently signed by the administrator on February 28, 1995. The risk management programs (RMPs) rule is more comprehensive than the RCRA regulations and will require facilities to prepare and implement RMPs that include a hazard assessment, a prevention program, and an emergency response program. OSW is working with CEPPO to ensure that RCRA facilities "get credit" for their RCRA requirements, and do not have to duplicate effort. After the RMPs rule becomes effective, the possibility exists to eliminate Subparts D under Parts 264 & 265, and instead state that RCRA facilities must be in compliance with the RMPs requirements.

V. Environmental Benefit:

☒ No Change
☐ Small-Moderate Improve.
☐ Significant Improvement
☐ Need more information

Reduction of Burden:

☐ None
☒ Small-Moderate Reduction
☐ Significant Reduction

VI. Currently Funded or Planned?

☐ Yes
☒ No

VII. Planned Milestones (if appropriate): Date rule revision is planned to be proposed/promulgated, or study completed to determine possible rule revisions.

VIII. Key Questions/Issues/Activities: NA_

OSWER Regulatory Reform Analysis

- I. Part 264 (Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities), Subpart E (Manifest System, Recordkeeping, and Reporting), 40 CFR 264.70: Applicability.
- II. Purpose of CFR Reference: This provision describes the applicability of manifest system and recordkeeping requirements to treatment, storage, and disposal facilities.
- III. Recommended Review Category (Check One):
- ☒ No action
 - ☐ Obsolete
 - ☐ Revise Rule(s) or Statute
 - ☐ Possibly Revise Rules, but further study necessary
- IV. Revision Approach:
- ☐ Rule Change
 - ☐ Statutory Change
 - ☐ Consensual Negotiations
- Description of Revision: NA
- V. Environmental Benefit:
- ☐ No Change
 - ☐ Small-Moderate Improve.
 - ☐ Significant Improvement
 - ☐ Need more information
- Reduction of Burden:
- ☐ None
 - ☐ Small-Moderate Reduction
 - ☐ Significant Reduction
- VI. Currently Funded or Planned?
- ☐ Yes
 - ☐ No
- VII. Planned Milestones (if appropriate): NA
- VIII. Key Questions/Issues/Activities: NA

OSWER Regulatory Reform Analysis

I. Part 264 (Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities), Subpart E (Manifest System, Recordkeeping, and Reporting) 40 CFR 264.71: Use of Manifest System, 40 CFR 264.72: Manifest Discrepancies, 40 CFR 264.76: Unmanifested Waste Report.

II. Purpose of CFR Reference: These provisions describe the manifest tracking system that treatment, storage and disposal facilities must use to document receipt of hazardous wastes at the facility.

III. Recommended Review Category (Check One):

- ☐ No action
☐ Obsolete
☒ Revise Rule(s) or Statute
☐ Possibly Revise Rules, but further study necessary

IV. Revision Approach: X(1&2) Rule Change
☐ Statutory Change
X(2) Consensual Negot.

V. 1. Description of Revision 1: As part of the Agency's Definition of Solid Waste rulemaking, alternatives to the existing manifest system to be used for tracking shipments of recycled hazardous waste are being analyzed. The goal is to develop an alternative manifest system that is less burdensome for generators, transporters, receiving facilities, and implementing agencies but that ensures accountability for the waste and meets other needs of users of the manifest system.

2. Description of Revision 2: As agreed with a regulatory negotiation committee, revise the manifest form to minimize variation from state to state, allowing the use of a more consistent form for all hazardous waste transportation. Also standardize procedures for use of the form in certain unusual situations to eliminate confusion and inconsistency.

V. Environmental Benefit: ☒ No Change Projected
☐ Small-Moderate Improve.
☐ Significant Improvement
☐ Need more information

Reduction of Burden: ☐ None
X(2) Small-Moderate Reduction
X(1) Significant Reduction

VI. Currently Funded or Planned? ☒ Yes
☐ No

VII. Planned Milestones (if appropriate):

Revision 1: Definition of Solid Waste rule proposal -- Spring 1996.

Revision 2: Proposed rule summer 1995, final rule spring 1996.

VIII. Key Questions/Issues/Activities:

Revision 1: Ability to ensure accountability for waste; consistency with DOT rules and impact on interstate transport issues; impact on current State information management systems and State user-fee systems; possibility of expanding revised system to cover all wastes, not just recycled wastes.

Revision 2: Federal burden reduction small or none because the revised form would require more information than the current federal form. The additional information, however, has been required by states in the past, thus the overall burden (state plus federal) is likely to remain roughly the same. There should be some reduction in the overall burden due to increased consistency among states.

OSWER Regulatory Reform Analysis

- I. Part 264 (Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities), Subpart E (Manifest System, Recordkeeping, and Reporting) 40 CFR 264.73: Operating Record, 264.74: Availability, Retention, and Disposition of Records, 40 CFR 264.75: Biennial Report, and 40 CFR 264.77, Additional Reports.
- II. Purpose of CFR Reference: These provisions require the owner or operator of a treatment, storage, and disposal facility to keep records documenting compliance with various part 264 requirements and retain those records. Also references other part 264 reporting requirements.
- III. Recommended Review Category (Check One):
- ☐ No action
 - ☐ Obsolete
 - ☐ Revise Rule(s) or Statute
 - ☒ Possibly Revise Rules, but further study necessary
- IV. Revision Approach:
- ☒ Rule Change
 - ☐ Statutory Change
 - ☐ Consensual Negot.
- Description of Possible Revision: Eliminate any unnecessary and duplicative recordkeeping and reporting. An internal Agency study is being conducted to analyze existing recordkeeping and reporting requirements and will make recommendations this fall on changes to be made.
- V. Environmental Benefit:
- ☒ No Change
 - ☐ Small-Moderate Improve.
 - ☐ Significant Improvement
 - ☐ Need more information
- Reduction of Burden:
- ☐ None
 - ☒ Small-Moderate Reduction
 - ☐ Significant Reduction
- VI. Currently Funded or Planned?
- ☐ Yes (internal study)
 - ☒ No
- VII. Planned Milestones (if appropriate): An on-going study (Waste Information Needs (WIN) study) is assessing information needs and overlaps in information collection. Recommendations will be made in the fall of 1995.
- VIII. Key Questions/Issues/Activities: Integration of needs of all users of information necessary. Identification of the minimum level of recordkeeping and reporting that will still enable EPA/State to carry out their mission effectively.

OSWER Regulatory Reform Analysis

I. Part 264, Subparts F (RCRA Ground Water Monitoring Requirements) and Subpart H (Closure Requirements for Hazardous Waste Land Disposal Units)

II. Purpose of CFR Reference: These regulations for closure/post closure and ground water monitoring of "regulated" hazardous waste land disposal units were originally designed primarily as prevention-oriented standards applicable to all such units. As such, the regulations specified very stringent design and operating standards intended to minimize the likelihood of "failure" and consequent releases of wastes into the environment. These regulations were not designed to address pre-existing units that have already contaminated ground water or other environmental media.

III. Recommended Review Category (Check One):

- No action
- Obsolete
- X Revise Rule(s) or Statute
- X Possibly Revise Rules, but further study necessary

IV. Revision Approach/Description of Change:

- X Rule Change
- Statutory Change

Description of Revision: Applying the stringent, prevention oriented RCRA standards of Subparts F and G to units with pre-existing contamination problems can often lead to overregulation, unnecessary costs, and can actually frustrate cleanup efforts. In addition, these units often contain similar or identical wastes, and in many cases are located in close proximity to each other such that ground water contamination plumes are co-mingled. It makes little sense to retain this purely administrative distinction, and rigidly apply stringent national standards to regulated hazardous waste units, while for other types of units regulators can specify more flexible, common sense cleanup solutions based on actual site conditions. The proposed rule change will allow regulators, on a case-by-case basis, to address cleanup of regulated units using the more flexible corrective action regulations for solid waste management units (see Subpart S of 40 CFR Part 264).

A possible revision is the requirement in 40 CFR 264.112(a) to submit a written closure plan for review by EPA at the time the Part B permit is called. At issue is whether such a detailed plan is necessary at the time the permit is called and more

appropriate when the facility is preparing to close. One alternative to investigate is the submission of a general closure plan initially.

Similarly, 40 CFR 264.115 requires the owner/operator to submit to the Regional Administrator a certification that the unit has been closed in accordance with the specifications in the closure plan. The certification must be performed by a independent registered engineer. The issue of consistency arises between this citation and other similar citations where the certification can be accomplished by a certified engineer -- or someone possibly in-house.

- V. Environmental Benefit: ☐ No Change
☐ Small-Moderate Improve.
☒ Significant Improvement
☐ Need more information
- Reduction of Burden: ☐ None
☐ Small-Moderate Reduction
☒ Significant Reduction
- VI. Currently Funded or Planned? ☒ Yes
☐ No

VII. Planned Milestones (if appropriate): This regulatory change was outlined (in preamble language) in the proposed "Post Closure Rule". Barring unforeseen legal problems, these proposed reforms could be finalized by the end of this fiscal year.

VIII. Key Questions/Issues/Activities: To what extent would these rule changes need to be proposed prior to finalizing?

OSWER Regulatory Reform Analysis

I. Part 264, Subpart H, Financial Requirements, 40 CFR 264.143(f) Financial Test and Corporate Guarantee for Closure, 40 CFR 264.145(f) Post Closure Care, and 40CFR 264.147(f) Liability Requirements.

II. Purpose of CFR Reference: Allows owners and operators of hazardous waste treatment, storage and disposal facilities to demonstrate compliance with financial responsibility requirements through passing a financial test rather than using more expensive mechanisms such as surety bonds or letters of credit.

III. Recommended Review Category (Check One):

- No action
- Obsolete
- X Revise Rule(s) or Statute
- Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- X Rule Change
- Statutory Change

Description of Revision: Revising the current financial tests specified in the regulations could increase the availability of the test to firms which currently do not qualify, yet would be able to pay for their environmental liabilities without requiring alternative third party mechanisms. A revised rule would also be a better predictor of bankruptcy and disallow its use by firms to which it should not be available.

V. Environmental Benefit:

- No Change
- X Small-Moderate Improve.
- Significant Improvement
- Need more information

Reduction of Burden:

- None
- X Small-Moderate Reduction
- Significant Reduction

VI. Currently Funded or Planned? X Yes
 No

VII. Planned Milestones (if appropriate): Promulgation in May, 1996.

VIII. Key Questions/Issues/Activities: Coordination with rulemaking for a similar corporate financial test for owners and operators of municipal solid waste landfills.

OSWER Regulatory Reform Analysis

I. Part 264 (Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities; Subpart J (Tank Systems)); 40 CFR 264.190-199.

II. Purpose of CFR Reference: Subpart J of 40 CFR 264 describes the management requirements for owners and operators of all permitted hazardous waste facilities that use tank systems to store or treat their hazardous waste. These citations address, among other requirements: assessment of existing tank system's integrity (264.191); design and installation of new tank systems and components (264.192); containment and detection of releases (264.193); inspections (264.195); response to leaks or spills and disposition of leaking or unfit-for-use tank systems (264.196); closure and post-closure care (264.197).

III. Recommended Review Category (Check One):

- No action
- Obsolete
- Revise Rule(s) or Statute
- X Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- X Rule Change (if approp.)
- _____ Statutory Change
- _____ Consensual Negot.

Description of Revision(s): A number of citations in Subpart J have the potential to be revised to reduce the burden on the regulated community, clarify requirements, or obtain consistency with other regulations while still protecting human health and the environment.

EPA is currently considering revisions for wastes being recycled in the context of the Definition of Solid Waste project. EPA could also consider changes for wastes bound for treatment and disposal. Such changes could include:

- 40 CFR 264.191. Need for a independent, qualified, registered professional engineer as compared to simply the need for a qualified, registered professional engineer allowing facilities to use their own engineers if possible. Other parts of our rules allow use of such engineers.

- 40 CFR 264.192. Same comment as in 40 CFR 264.191. Also, rules are very prescriptive. Possibly exists that rules could include performance criteria with guidance incorporating areas/factors to examine in order to meet performance measures.

- 40 CFR 264.193(g). Possibly simplify owner/operator petition process for allowing equivalent tank system design by incorporating self-implementing provision. Owner/operator would

notify EPA/State who could request applicable information if desired. Also consider moving to performance standards with design and operating criteria used as guidance in meeting standards.

- 40 CFR 264.195. While daily inspections appear appropriate, must result of inspections be logged in operating log daily? Can facility not log daily results weekly?

- 40 CFR 264.196(b). Current rules require owner/operator to demonstrate that it is not possible to remove as much of the waste from a leaking tank as is necessary to prevent further release to the environment within 24 hours and to submit such evidence to the Regional Administrator. Possibly consider making rule self-implementing by requiring the waste to be removed within 24 hours or as soon as practicable.

- 40 CFR 264.196(d). This provision requires any release to the environment to be reported to the RA within 24 hours unless the spill is less than one pound and is immediately contained and cleaned-up. Possibly consider making reporting requirements consistent with reportable quantity (RQ) spill requirements under Superfund which allow only larger spills requirements to be reported to EPA.

- 40 CFR 264.196(f). Same comment as 40 CFR 264.191.

V. Environmental Benefit:

_____ No Change
_____ Small-Moderate Improve.
_____ Significant Improvement
X Need more information

Reduction of Burden:

_____ None
_____ Small-Moderate Reduction
X Significant Reduction
(possibly)

VI. Currently Funded or Planned?

_____ Yes
X No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: Will environmental protection be jeopardized by revising the above citations? Will enforceability be jeopardized?

OSWER Regulatory Reform Analysis

I. Part 264, Subpart K (Surface Impoundments), 40 CFR 264.220-231

II. Purpose of CFR Reference: This Subpart describes the management requirements for owners and operators of hazardous waste treatment, storage and disposal facilities that use surface impoundments. Specific requirements include: design and operating requirements; action leakage rate; response actions; monitoring and inspections; emergency repairs; contingency plans; closure and post-closure care; and special requirements for ignitable or reactive waste.

III. Recommended Review Category (Check One):

- X- No action
- Obsolete
- Revise Rule(s) or Statute
- Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- _____ Rule Change
- _____ Statutory Change
- _____ Consensual Negot.

Description of Revision: NA

V. Environmental Benefit:

- _____ No Change
- _____ Small-Moderate Improve.
- _____ Significant Improvement
- _____ Need more information

Reduction of Burden:

- _____ None
- _____ Small-Moderate Reduction
- _____ Significant Reduction

VI. Currently Funded or Planned?

- _____ Yes
- _____ No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities:

OSWER Regulatory Reform Analysis

I. Part 264, Subpart L (Waste Piles), 40 CFR 264.250-259.

II. Purpose of CFR Reference: Subpart L describes the management requirements for owners and operators of hazardous waste treatment, storage and disposal facilities that use waste piles. Specific citations address design and operating requirements, action leakage rate, response actions, monitoring and inspections, special requirements for ignitable, reactive, and incompatible waste, and closure and post-closure requirements.

III. Recommended Review Category (Check One):

- ☒ No action
- ☐ -- Obsolete
- ☐ Revise Rule(s) or Statute
- ☐ Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- ☐ Rule Change
- ☐ Statutory Change
- ☐ Consensual Negot.

Description of Revision: NA

V. Environmental Benefit:

- ☐ No Change
- ☐ Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

Reduction of Burden:

- ☐ None
- ☐ Small-Moderate Reduction
- ☐ Significant Reduction

VI. Currently Funded or Planned?

- ☐ Yes
- ☐ No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: NA

OSWER Regulatory Reform Analysis

I. Part 264, Subpart M (Land Treatment), 40 CFR 264.270-283.

II. Purpose of CFR Reference: Subpart M describes the management requirements for owners and operators of hazardous waste treatment, storage and disposal facilities that use land treatment. Specific citations address treatment program, treatment demonstration, design and operating requirements, food-chain crops, unsaturated zone monitoring, recordkeeping, closure and post-closure care and special requirements for ignitable or reactive waste.

III. Recommended Review Category (Check One):

- ☒ No action
- ☐ -- Obsolete
- ☐ -- Revise Rule(s) or Statute
- ☐ -- Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- ☐ Rule Change
- ☐ Statutory Change
- ☐ Consensual Negot.

Description of Revision:

V. Environmental Benefit:

- ☐ No Change
- ☐ Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

Reduction of Burden:

- ☐ None
- ☐ Small-Moderate Reduction
- ☐ Significant Reduction

VI. Currently Funded or Planned?

- ☐ Yes
- ☐ No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: NA

OSWER Regulatory Reform Analysis

I. Part 264, Subpart N (Landfills), 40 CFR 264.300-317, (except 40 CFR 264.314 (e) which is addressed separately).

II. Purpose of CFR Reference: Subpart N describes the management requirements for owners and operators of hazardous waste treatment, storage and disposal facilities that use landfills. Specific citations address design and operating requirements, action leakage rate, monitoring and inspection, response actions, surveying and recordkeeping, closure and post-closure care and special requirements for ignitable, reactive and incompatible waste, and containers.

III. Recommended Review Category (Check One):

- ☒ No action
- ☐ Obsolete
- ☐ Revise Rule(s) or Statute
- ☐ Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- ☐ Rule Change
- ☐ Statutory Change
- ☐ Consensual Negot.

Description of Revision: NA

V. Environmental Benefit:

- ☐ No Change
- ☐ Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

Reduction of Burden:

- ☐ None
- ☐ Small-Moderate Reduction
- ☐ Significant Reduction

VI. Currently Funded or Planned?

- ☐ Yes
- ☐ No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: NA

OSWER Regulatory Reform Analysis

I. Part 264, Subpart N (Landfills), 40 CFR 264.314 (e) Liquids in Landfills - Biodegradability of Sorbents

II. Purpose of CFR Reference: To prohibit the disposal of liquids in landfills that have been absorbed in materials that biodegrade.

III. Recommended Review Category (Check One):

- No action
- Obsolete
- X Revise Rule(s) or Statute
- Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- Rule Change
- X Statutory Change

Description of Revision: Revise Section 3004(c)(2), and therefore 264.314(e). This provision unnecessarily limits the use of some sorbents since the conditions in a landfill are anaerobic and, therefore, sorbents are highly unlikely to biodegrade regardless of their composition. Currently companies must petition the Agency for a regulatory change if their sorbent doesn't meet existing test protocols.

V. Environmental Benefit:

- X No Change
- Small-Moderate Improve.
- Significant Improvement
- Need more information

Reduction of Burden:

- None
- X Small-Moderate Reduction
- Significant Reduction

VI. Currently Funded or Planned?

- Yes
- X No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: NA

OSWER Regulatory Reform Analysis

I. Part 264, Subpart O (Incineration)

II. Purpose of CFR Reference: Describes existing emissions standards and controls for hazardous waste burning combustion devices (e.g., incinerators, cement kilns).

III. Recommended Review Category (Check One):

- ☐ No action
- ☐ Obsolete
- ☒ Revise Rule(s) or Statute(s)
- ☐ Possibly Revise Rule(s), but further study necessary

IV. Revision Approach:

(check all that apply)

- ☒ Rule Change
- ☐ Statutory Change
- ☒ Consensual Negotiations

Description of Revision: Negotiate emissions standards and controls for hazardous waste burning combustion devices (e.g., incinerators, cement kilns).

V. Expected Impact:

A. Environmental Benefit:

- ☐ No Change
- ☐ Small-Moderate Improve.
- ☒ Significant Improvement
- ☐ Need more information

B. Reduction of Burden:

- ☐ None
- ☐ Small-Moderate Reduction
- ☐ Significant Reduction
- ☒ Need More Information

VI. Currently Funded or Planned? ☒ Yes

☐ No

VII. Planned Milestones (if appropriate): Rule must be proposed by September 20, 1995, and finalized by December 15, 1996. (Settlement Agreement)

VIII. Key Questions/Issues/Activities: Workgroup closure meeting scheduled for May 31, 1995.

OSWER Regulatory Reform Analysis

I. Part 264, Subpart S (Corrective Action at Solid Waste Management Units and management of contaminated media)

II. Original Purpose of Regulations: A situation exists in which gaps in the current regulatory framework under RCRA have created problems that need reform. The corrective action program for RCRA facilities is currently being operated using proposed rules (Subpart S proposal, July 27, 1990), and guidance. The proposed Subpart S rule and the guidance that has been prepared by EPA for implementing the program was largely patterned after the CERCLA program; as a result, the program is plagued with cumbersome procedures, a highly intrusive government oversight role, and in general, conservative (i.e., very stringent) cleanup decisions.

In addition, cleanup actions under RCRA, CERCLA and other laws often generate contaminated media and other hazardous wastes that are subject to regulation under RCRA Subtitle C. Since the Subtitle C regulations were primarily designed to prevent future releases rather than cleaning up existing contamination problems, applying those stringent regulations to cleanups often amounts to regulatory overkill and unnecessarily costly cleanups. For some time the Agency has recognized the need for an overhaul of the regulations that govern management of cleanup wastes, so that management requirements for those wastes more accurately reflect their actual environmental risks.

III. Recommended Review Category (Check One):

- No action
- Obsolete
- ☒ Revise Rule(s) or Statute
- Possibly Revise Rules, but further study necessary

IV. Revision Approach/Description of Change: The regulations described above will "reinvent" the corrective action program by making it less procedural and bureaucratic, and less expensive for government and industry to implement. They will replace the current system that over-regulates cleanup activities and creates obstacles to voluntary cleanups by property owners. More specifically, the HWIR-Media rule will remove large volumes of cleanup wastes from Subtitle C regulations altogether, and will create a more common-sense regulatory structure for those hazardous cleanup wastes that will remain regulated under Subtitle C. The Subpart S rule will be the primary vehicle for overhauling the current program, with a primary objective being to refocus cleanup efforts toward meeting performance standards, rather than requiring government approval of technical plans and reports. In addition, the Agency will reexamine its traditional policies on numerous "how-clean-is-clean" issues, with the intent of creating a regulatory framework that is protective while allowing regulators to make more pragmatic and cost-effective cleanup decisions.

V. Environmental Benefit:

☐ No Change
☐ Small-Moderate Improve.
☒ Significant Improvement
☐ Need more information

Reduction of Burden:

☐ None
☐ Small-Moderate Reduction
☒ Significant Reduction

VI. Currently Funded or Planned? ☒ Yes
☐ No

VII. Planned Milestones (if appropriate):

VIII. Key Questions/Issues/Activities:

OSWER Regulatory Reform Analysis

I. Part 264 (Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities; Subpart W (Drip Pads), 40 CFR 264.570-575.

II. Purpose of CFR Reference: Subpart W of 40 CFR 264 describes the management requirements for owners and operators that use new or existing drip pads to convey treated wood drippage, precipitation, and/or surface water run-off to an associated collection system. Specific citations address assessment of existing drip pad integrity (264.571); design and operation of new drip pads (264.572); design and operating requirements (264.573); inspections (264.574); and closure (264.575).

III. Recommended Review Category (Check One):

- No action
- Obsolete
- Revise Rule(s) or Statute
- X Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- X Rule Change (if approp.)
- _____ Statutory Change
- _____ Consensual Negot.

Description of Revision: A number of provisions have the possibility of being modified to reduce burden on the regulated community, clarify requirements, or be consistent with other regulations. They include:

- 40 CFR 264.571. Need for a independent, qualified, registered professional engineer as compared to simply the need for a qualified, registered professional engineer allowing facilities to use their own engineers if possible. Other parts of our rules allow use of such engineers.

- Similarly, in 40 CFR 264.571, must the assessment of the existing drip pad be reviewed, updated and re-certified annually? Can the owner/operator, instead, conduct an initial assessment and develop a plan as to what needs to be done and establish a general time-table for completing the work? Instead of submitting the assessment to the RA, could not the owner/operator submit a notice to the RA indicating that an assessment was conducted? Must the owner/operator submit to the RA the as-built drawings upon completion of all repairs and modifications to the drip pad? Why not a simple certification statement by the engineer that the drip pad meets the design rules?

- 40 CFR 264.573. Same comments as in 40 CFR 264.571 pertaining to the certification by an independent engineer and annual recertification. Also, would not the identification of performance standards provide the owner/operator more flexibility in meeting the overall goals of conveying treated wood drippage,

precipitation, and/or surface water run-off to an associated collection system? Specific design and operating criteria could be used as guidance by the owner/operator. How important is it to document in the operating record the date and time of each cleaning of the drip pad (264.573(i))?, the need to document in the record that all treated wood is held on the drip pad following treatment until the drippage has ceased (264.573(k))?

V. Environmental Benefit:

☐ No Change
☐ Small-Moderate Improve.
☐ Significant Improvement
☒ Need more information

Reduction of Burden:

☐ None
☒ Small-Moderate Reduction
☐ Significant Reduction

VI. Currently Funded or Planned?

☐ Yes
☒ No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: Further analysis must be conducted to ascertain the importance of maintaining specific aspects of current citations, particularly with respect to the enforceability of the rules.

OSWER Regulatory Reform Analysis

I. Part 264, Subpart X; and Part 265 Subpart P. Standards Applicable to Owners and Operators of Miscellaneous Units.

II. Purpose of CFR Reference: Sets standards for "miscellaneous" units--those hazardous waste treatment, storage and disposal units that are not captured by the unit-specific standards in Part 264 (e.g., Subparts I-O). This regulation requires that such units meet environmental performance standards that are protective of human health and the environment.

III. Recommended Review Category (Check One):

Standards currently provide sufficient flexibility.

- ☒ No action
- ☐ -- Obsolete
- ☐ -- Revise Rule(s) or Statute
- ☐ -- Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- ☐ Rule Change
- ☐ Statutory Change

Description of Change: NA (No issues/problems identified. Standards currently provide sufficient flexibility.)

V. Environmental Benefit:

- ☐ No Change
- ☐ Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

Reduction of Burden:

- ☐ None
- ☐ Small-Moderate Reduction
- ☐ Significant Reduction

VI. Currently Funded or Planned? ☐ Yes

☐ No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: NA

OSWER Regulatory Reform Analysis

I. Part 264, Subpart AA (Air Emission Standards for Process Vents); Subpart BB (Air Emission Standards for Equipment Leaks) and Subpart CC (Air Emission Standards from Hazardous Waste Treatment, Storage and Disposal Facilities)

II. Purpose of CFR Reference: Section 3004(h) of RCRA requires EPA to promulgate standards for monitoring and control of air emissions from RCRA facilities, "...as may be necessary to protect human health and the environment." Under this authority, EPA developed the air emission regulations for process vents (Subpart AA), equipment leaks (Subpart BB), and tanks, containers and surface impoundments (Subpart CC). The final Subpart CC rules were promulgated on December 6, 1994.

The RCRA air emission regulations, particularly the Subpart CC rules, have been very controversial. Many have questioned the need for the regulations, arguing that the environmental and human health problem that the rules address are hypothetical and unrealistic. Others have argued that these rules overlap and in some ways contradict the regulations that have been and are being developed for organic emissions under the Clean Air Act (CAA). Many commenters on the proposed rule further argued that as drafted, the rules are unnecessarily stringent and costly to the regulated community, and will be exceptionally challenging for EPA and the States to enforce.

III. Recommended Review Category (Check One):

- No action
- Obsolete
- Revise Rule(s) or Statute
- X Possibly Revise Rules, but further study necessary

IV. Description of Revision: Investigate feasibility of utilizing Clean Air Act rules in lieu of RCRA where clear redundancy exists. Determine whether such redundancy also exists for incinerators or boilers and industrial furnaces.

V. Environmental Benefit:

- _____ No Change
- _____ Small-Moderate Improve.
- _____ Significant Improvement
- X Need more information

Reduction of Burden:

- _____ None
- _____ Small-Moderate Reduction
- X Significant Reduction
(possibly)

VI. Currently Funded or Planned? Yes
 X No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: How to address situations where redundancy exists between CAA and RCRA, but not 100 percent redundancy.

OSWER Regulatory Reform Analysis

I. Part 264 (Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities; Subpart DD (Containment Buildings); 40 CFR 264.1100-1102.

II. Purpose of CFR Reference: Subpart DD of 40 CFR 264 describes the management requirements for owners and operators that store hazardous waste in containment buildings. Specific citations address design and operating standards (264.1101), and closure and post-closure care (264.1102).

III. Recommended Review Category (Check One):

- No action
- Obsolete
- Revise Rule(s) or Statute
- X Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- X Rule Change (if approp.)
- ____ Statutory Change
- ____ Consensual Negot.

Description of Revision: A number of citations have the possibility of being revised to eliminate language no longer needed and reduce burden on the regulated community while still protecting human health and the environment. EPA is currently considering revisions for wastes being recycled in the context of the Definition of Solid Waste project. EPA could also consider changes for wastes bound for treatment and disposal. Such changes could include:

- 40 CFR 264.1101(b)(4). This provision allowed and owner/operator to delay the secondary containment requirement in containment buildings for 2 years if a request was made by February 18, 1993. This time-period has elapsed.

- 40 CFR 264.1101 (c)(3)(ii). What is the appropriate role for the RA? Should he/she make a determination regarding whether the containment building must be removed from service or can the owner/operator?

- 40 CFR 264.1101 (c)(4). What information should be included in the operating record? Should the results of weekly data gathered from monitoring equipment and leak detection equipment?

V. Environmental Benefit:

- ____ No Change
- ____ Small-Moderate Improve.
- ____ Significant Improvement
- X Need more information

Reduction of Burden:

- ____ None

☒ Small-Moderate Reduction
☐ Significant Reduction

VI. Currently Funded or Planned? ☐ Yes
☒ No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: Further analysis must be conducted to ascertain the importance of maintaining specific aspects of current citations, particularly with respect to the enforceability of the rules.

OSWER Regulatory Reform Analysis

I. Part 265 (Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities; Subpart I (Use and Management of Containers); 40 CFR 264.170-177.

II. Purpose of CFR Reference: Subpart I of 40 CFR 265 describes the management requirements for owners and operators that store containers of hazardous waste. Specific citations address the condition of containers (265.171); compatibility of waste with container (265.172); management of containers (265.173); inspections (265.174); special requirements for ignitable and reactive waste (265.176); and special requirements for incompatible waste (265.177).

III. Recommended Review Category (Check One):

- No action
- Obsolete
- ☒ X Revise Rule(s) or Statute
- Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- ☒ X Rule Change
- ☐ Statutory Change
- ☐ Consensual Negot.

Description of Revision: This revision would incorporate 40 CFR 264.175 pertaining to the containment of waste managed in containers thereby resolving the inconsistency that currently exists between interim status (Part 265) and permitted facilities (Part 264).

V. Environmental Benefit:

- ☐ No Change
- ☐ Small-Moderate Improve.
- ☒ X Significant Improvement
- ☐ Need more information

Reduction of Burden:

- ☐ None
- ☐ Small-Moderate Reduction
- ☐ Significant Reduction

VI. Currently Funded or Planned?

- ☐ Yes
- ☒ X No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: This change will increase the burden for any interim status storage facilities managing waste in containers without secondary containment, but should also prevent releases to soil and water which ultimately have to be cleaned up.

OSWER Regulatory Reform Analysis

I. Part 265 (Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities), Subparts A through DD

II. Purpose of CFR Reference: Subparts A through DD of 40 CFR Part 265 establish the minimum national standards that define acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled.

III. Recommended Review Category (Check One):

- No action
- ☒ Obsolete
- ☒ Revise Rule(s) or Statute
- Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- ☒ Rule Change
- ☐ Statutory Change

Description of Revision: Delete relevant Part 265, Subparts A-DD that duplicate (verbatim in many cases) the equivalent Part 264, Subpart A-DD regulatory citations; incorporate the relevant Part 264 requirements by reference.

V. Environmental Benefit:

- ☒ No Change
- ☐ Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

Reduction of Burden:

- ☐ None
- ☒ Small-Moderate Reduction
- ☐ Significant Reduction

VI. Currently Funded or Planned?

- ☐ Yes
- ☒ No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: NA

OSWER Regulatory Reform Analysis

I. Part 266, 40 CFR 266.100 (Light-Weight Aggregate Kilns)

I. Purpose of CFR Reference: Existing emissions standards and controls for hazardous waste burning combustion devices (e.g., incinerators, cement kilns).

III. Recommended Review Category (Check One):

- ☐ No action
- ☐ Obsolete
- ☒ Revise Rule(s) or Statute(s)
- ☐ Possibly Revise Rule(s), but further study necessary

IV. Revision Approach:
(check all that apply)

- ☒ Rule Change
- ☐ Statutory Change
- ☒ Consensual Negotiations

Description of Revision: Upgrade existing emissions standards and controls for hazardous waste burning combustion devices (e.g., incinerators, cement kilns).

V. Expected Impact:

A. Environmental Benefit:

- ☐ No Change
- ☐ Small-Moderate Improve.
- ☒ Significant Improvement
- ☐ Need more information

B. Reduction of Burden:

- ☐ None
- ☐ Small-Moderate Reduction
- ☐ Significant Reduction
- ☒ Need More Information

VI. Currently Funded or Planned? ☒ Yes
☐ No

VII. Planned Milestones (if appropriate): Rule must be proposed by September 20, 1995, and finalized by December 15, 1996. (Settlement Agreement)

VIII. Key Questions/Issues/Activities: Workgroup closure meeting scheduled for May 31, 1995.

OSWER Regulatory Reform Analysis

I. Part 267 (Interim Standards for Owners and Operators of New Hazardous Waste Land Disposal Facilities), Subparts A through G

II. Purpose of CFR Reference: This part establishes minimum national standards that define the acceptable management of hazardous waste for new land disposal facilities. These management standards include landfills, surface impoundments, land treatment, ground-water monitoring and underground injection.

III. Recommended Review Category (Check One):

- No action
- ☒ Obsolete
- ☒ Revise Rule(s) or Statute
- Possibly Revise Rules, but further study necessary

IV. Revision Approach: ☒ Rule Change
☐ Statutory Change

Description of Revision: Eliminate Part 267, Subparts A-G since they have been superceded by Part 264 management standards.

V. Environmental Benefit: ☒ No Change
☐ Small-Moderate Improve.
☐ Significant Improvement
☐ Need more information

Reduction of Burden: ☒ None
☐ Small-Moderate Reduction
☐ Significant Reduction

VI. Currently Funded or Planned? ☐ Yes
☒ No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: NA

OSWER Regulatory Reform Analysis

I. CFR Reference (Part, Subpart, Regulatory citation(s) and Title: Title 40 Part 268 Land Disposal Restrictions

II. Purpose of CFR Reference: Establishes treatment standards for all listed and characteristic hazardous wastes destined for land disposal according to a strict schedule.

III. Recommended Review Category (Check One):

- ☐ No action
- ☐ Obsolete
- ☒ X Revise Rule(s) or Statute(s)
- ☐ Possibly Revise Rule(s), but further study necessary

IV. Revision Approach:
(check all that apply)

- ☒ X Rule Change
- ☐ Statutory Change
- ☐ Consensual Negotiations

Description of Revision: EPA is proposing to "clean up" existing regulatory language in Part 268 that is outdated, confusing, or unnecessary. A number of sections have been identified; specific changes within the section will potentially reduce burden on the regulated community, clarify requirements, or obtain consistency with other sections and regulations while still maintaining protection to human and the environment. The examples include the following:

- 40 CFR 268.4. Section 268.4(a)(2)(iv) is changed to read, "[Note; the recordkeeping provisions of §§ 264.13 and 265.13 apply]," being that the provision in 268.4 is already included in 264.13. In cross-referencing the 264.13 requirement in 268.4, it averts the need to repeat the entire provision.

- 40 CFR 268.7. EPA is proposing to change in 268.7 references to treatment standards found in tables § 268.41, 268.42, and 268.43; references will now be directed to the consolidated table in § 268.40 - Treatment Standards for Hazardous Wastes. The treatment standards that previously appeared in these three tables has been consolidated into one consolidated table (268.40) which was promulgated in Phase II LDR.

- 40 CFR 268.7. EPA is deleting the requirement in 268.7(a)(4)(ii) that a generator submit a waste analysis plan to the EPA/State. Because the facility is treating the same waste and utilizing the same disposal facility, a one-time notification placed in the facility's file is all that is required.

- 40 CFR 268.32. All citations to § 268.32, California List Waste, are removed, being that the treatment standards for the these wastes have been superseded by subsequent treatment standards, except for nickel and thallium. Other sections that

OSWER Regulatory Reform Analysis

I. Part 268, Subpart C, 40 CFR 268.6 -- Petition to allow land disposal of prohibited waste

II. Purpose of CFR Reference: This provision allows for disposal of restricted waste when it can be shown that there will be no-migration of hazardous constituents for as long as the waste remains hazardous.

III. Recommended Review Category (Check One):

- No action
- Obsolete
- Revise Rule(s) or Statute
- X Possibly Revise Rules, but further study necessary

IV. Revision Approach: X Rule Change
 Statutory Change

Description of Change: Examine the feasibility of removing the phrase "...but not limited to..." from 268.6(b)(5), and delete 268.6(b)(3). Deletion of the phrase in 268.6(b)(5) could reduce the need to consider certain future highly speculative human induced events. Deletion of 268.6(b)(3) could eliminate the need to verify simulation model accuracy with actual measurements; this is prudent since the long-term models used in no-migration variances are not able to be verified for the long term.

As part of this effort, the relationship of 40 CFR 268.6 to Definition of Hazardous Waste efforts would be investigated.

V. Environmental Benefit: X No Change
 Small-Moderate Improve.
 Significant Improvement
 Need more information

Reduction of Burden: None
 X Small-Moderate Reduction
 Significant Reduction

VI. Currently Funded or Planned? Yes
 X No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: Relationship with Definition of Hazardous Waste efforts; possible adverse public reaction.

are outdated in the rule, including §§ 268.8 and 268.30-37, are being removed; references to these outdated sections are also being removed.

V. Expected Impact:

- A. Environmental Benefit: ☐ No Change
☐ Small-Moderate Improve.
☒ Significant Improvement
☐ Need more information
- B. Reduction of Burden: ☐ None
☐ Small-Moderate Reduction
☐ Significant Reduction
☒ Need More Information

VI. Currently Funded or Planned? ☒ Yes
☐ No

VII. Planned Milestones (if appropriate): Changes will be in Phase IV Rulemaking, proposed July 30, 1995, finalized July 30, 1996

VIII. Key Questions/Issues/Activities: Workgroup closure 4/13/95.

OSWER Regulatory Reform Analysis

I. CFR Reference (Part, Subpart, Regulatory citation(s) and Title: Land Disposal Restrictions--Phase IV: Issues associated with Clean Water Act Equivalency,...

II. Purpose of CFR Reference: Rule proposes new standards to assure certain wastes in CWA units are managed in manner equivalent to RCRA management.

III. Recommended Review Category (Check One):

- ☐ No action
- ☐ Obsolete
- ☐ Revise Rule(s) or Statute(s)
- ☒ Possibly Revise Rule(s), but further study necessary

IV. Revision Approach:
(check all that apply)

- ☐ Rule Change
- ☐ Statutory Change
- ☒ Consensual Negotiations

Description of Revision: Proposed approach could be discussed with stakeholders during an extended (i.e., 120 day) comment period because issues are very complex and lend themselves to extensive discussion. It is suggested that one or more Roundtable meetings be held during a 120-day comment period to gather information and hear stakeholder concerns. (Note: promulgation of a final rule would not depend upon consensus from the group.) This would, however, require an extension from EDF on the settlement agreement date for the final rule.

V. Expected Impact:

A. Environmental Benefit:

- ☐ No Change
- ☐ Small-Moderate Improve.
- ☐ Significant Improvement
- ☒ Need more information

B. Reduction of Burden:

- ☐ None
- ☐ Small-Moderate Reduction
- ☐ Significant Reduction
- ☒ Need More Information

VI. Currently Funded or Planned? ☒ Yes
☐ No

VII. Planned Milestones (if appropriate): Rule proposed July 30, 1995. Finalized July 30, 1996.

VIII. Key Questions/Issues/Activities: Key question is whether to request additional time from EDF to allow for time to hold Roundtable meetings.

OSWER Regulatory Reform Analysis

I. Part 268, 40 CFR 268.7, 268.41, 268.42, 268.43 (Land Disposal Restrictions)

II. Purpose of CFR Reference: Establishes treatment standards for all listed and characteristic hazardous wastes destined for land disposal according to a strict schedule.

III. Recommended Review Category (Check One):

- ☐ No action
- ☐ Obsolete
- ☒ Revise Rule(s) or Statute(s)
- ☐ Possibly Revise Rule(s), but further study necessary

IV. Revision Approach:
(check all that apply)

- ☒ Rule Change
- ☐ Statutory Change
- ☐ Consensual Negotiations

Description of Revision: EPA is proposing to change in 268.7 references to treatment standards found in tables § 268.41, 268.42, and 268.43; references will now be directed to the consolidated table in § 268.40 - Treatment Standards for Hazardous Wastes. The treatment standards that previously appeared in these three tables has been consolidated into one consolidated table (268.40) which was promulgated in Phase II LDR.

V. Expected Impact:

A. Environmental Benefit:

- ☐ No Change
- ☒ Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

B. Reduction of Burden:

- ☐ None
- ☐ Small-Moderate Reduction
- ☐ Significant Reduction
- ☒ Need More Information

VI. Currently Funded or Planned? ☒ Yes
☐ No

VII. Planned Milestones (if appropriate): Changes will be in Phase IV Rulemaking, proposed July 30, 1995, finalized July 30, 1996

VIII. Key Questions/Issues/Activities: Workgroup closure 4/13/95.

OSWER Regulatory Reform Analysis

I. CFR Reference (Part, Subpart, Regulatory citation(s) and Title: Part 270 - EPA Administered Permit Program: The Hazardous Waste Permit Program.

II. Purpose of CFR Reference: The purpose of this Part of the RCRA Regulations is to meet the statutory requirement that a permit is necessary to treatment, storage, or disposal of hazardous waste.

III. Recommended Review Category (Check One):

- No action
- Obsolete
- Revise Rule(s) or Statute
- XX Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- XX Rule Change
- Statutory Change

Description of Change: The Agency and the Office of Solid Waste (OSW) is looking at opportunities to improve the RCRA Permitting Program. OSW staff are participating on the Agency's Permit Improvement Team (PIT). Many of the areas that the PIT is examining for improvement might be beneficial to the RCRA program. For example, a streamlined class permitting process for RCRA tanks could significantly reduce burden while maintaining equivalent standards. Similarly, a streamlined RCRA permit renewal process could bring significant savings to thousands of RCRA facilities. Over the next few months the PIT will be making recommendations on what specific steps are needed to improve the permitting process. OSW will look at the requirements in Part 270 to determine changes that are needed to reflect the recommendations of the PIT.

Additionally, the potential exists that information provided in the Part A permit application is redundant with that provided in the Part B application. However, further analysis is required with the States to ascertain the need for any duplicative data - where such situations exist.

V. Environmental Benefit:

- ___ No Change
- ___ Small-Moderate Improve.
- ___ Significant Improvement
- XX Need more information

Reduction of Burden:

- ___ None
- ___ Small-Moderate Reduction
- XX Significant Reduction

VI. Currently Funded or Planned? Yes
XX No

VII. Planned Milestones (if appropriate): Depends on PIT
recommendations - which are scheduled for June, 1995.

VIII. Key Questions/Issues/Activities (if appropriate):

I. Part 271, Subpart A - Requirements for Final Authorization, Sections 271.1-.20, .22-.26.

II. Purpose of CFR Reference: These provisions set forth the requirements and procedures for States to obtain and retain authorization to operate the RCRA Subtitle C program in lieu of EPA. The provisions also provide a benchmark for EPA, States, and the public to evaluate how State programs are operating. The provisions also include procedures for withdrawal of State programs, and for HSWA interim authorization.

III. Recommended Review Category (Check One):

- ☒ No action
- ☐ -- Obsolete
- ☐ -- Revise Rule(s) or Statute
- ☐ -- Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- ☒ No change
- ☐ Rule Change
- ☐ Statutory Change

Reasons for no change: No serious problems with these regulations have been identified. The vast majority of States have already obtained final authorization.

V. Environmental Benefit:

- ☒ No Change
- ☐ Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

Reduction of Burden:

- ☒ None
- ☐ Small-Moderate Reduction
- ☐ Significant Reduction

VI. Currently Funded or Planned?

- ☐ Yes
- ☒ No

VII. Planned Milestones (if appropriate): None

VIII. Key Questions/Issues/Activities: None

I. Part 271, 40 CFR 271.21 - Procedures for revisions of State programs.

II. Purpose of CFR Reference: This citation sets forth procedures for States to revise their authorized program when they adopt new EPA rules, or make other significant changes to their programs. This section also contains the requirements for the documents that must be in the authorization revision application and deadlines for application submissions.

III. Recommended Review Category (Check One):

- No action
- Obsolete
- Revise Rule(s) or Statute
- X Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- X Rule Change
- Statutory Change

Description of Possible Revision: Several significant rulemakings (ex. HWIR) have contemplated new expedited authorization procedures. EPA is also pursuing policies that clarify existing regulations to reduce what must be contained in the revision application. EPA staff have contemplated revising this section for all EPA rules. The deadlines for application submissions for many rules have passed and may be obsolete. The current deadlines are also generally not complied with by States.

V. Environmental Benefit:

- X No Change
- Small-Moderate Improve.
- Significant Improvement
- Need more information

Reduction of Burden:

- None
- X Small-Moderate Reduction
- Significant Reduction

VI. Currently Funded or Planned?

- Yes
- X No

VII. Planned Milestones (if appropriate): Not yet planned.

VIII. Key Questions/Issues/Activities: States would welcome changes to what they see as burdensome regulations. Enviros may not like the reduction in EPA oversight of the authorization process. More emphasis may need to be placed onto EPA oversight of State program implementation as a result. This may create some adverse reaction by States.

OSWER Regulatory Reform Analysis
40 CFR Part 271

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I. Part 271, Subpart B - Requirements for Interim Authorization, Sections 271.121-.138; Sections 271.3(c), (e), and .20(e).

II. Purpose of CFR Reference: These interim authorization provisions apply to the pre-HSWA provisions and were provided by Congress to enable States to operate the RCRA program while they developed stronger or more comprehensive programs. States obtaining interim authorization were not required to have a program fully equivalent to the Federal program.

III. Recommended Review Category (Check One):

- No action
- ☒ Obsolete
- Revise Rule(s) or Statute
- Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- ☒ Rule Change
- ☐ Statutory Change

Reason for change: Interim authorization for the pre-HSWA provisions expired on January 31, 1986. States can neither have nor obtain interim authorization for these provisions. Interim authorization for HSWA provisions is established and granted under other provisions that will not be affected. Therefore, these pre-HSWA interim authorization provisions have no use and are unnecessary.

V. Environmental Benefit:

- ☒ No Change
- ☐ Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

Reduction of Burden:

- ☒ None
- ☐ Small-Moderate Reduction
- ☐ Significant Reduction

VI. Currently Funded or Planned?

- ☐ Yes
- ☒ No

VII. Planned Milestones (if appropriate): No revisions currently planned.

VIII. Key Questions/Issues/Activities: These provisions place no burden on the States because they are not used, but may be confusing to State agencies or the public.

OSWER Regulatory Reform Analysis

I. CFR Reference (Part, Subpart, Regulatory citation(s) and Title): 40 CFR Part 279, Standards for Management of Used Oil

II. Purpose of CFR Reference: To provide special, streamlined standards for used oil generators, transporters, and recyclers that are protective of human health and the environment, while minimizing adverse impacts on used oil recycling.

III. Recommended Review Category (Check One):

- ☐ No action
- ☐ Obsolete
- ☐ Revise Rule(s) or Statute(s)
- ☒ Possibly Revise Rule(s), but further study necessary

IV. Revision Approach:
(check all that apply)

- ☒ Rule Change
- ☐ Statutory Change
- ☐ Consensual Neg.

Description of Revision: (1)Currently, confusion exists concerning how the Land Disposal Restrictions (40 CFR Part 268) applies to mixtures of used oil and hazardous waste. The proposed changes would clarify the situation by requiring compliance with Part 268, but streamlined options would be explored. (2)Secondary containment standards currently apply to rail transporter transfer facilities; this is essentially impossible to comply with, and the change would drop this requirement; (3)media contaminated with oil must be strictly managed under the current rules; more flexible options can be developed to allow for more efficient clean ups.

V. Expected Impact:

A. Environmental Benefit:

- ☐ No Change
- ☒ Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

B. Reduction of Burden:

- ☐ None
- ☒ Small-Moderate Reduction
- ☐ Significant Reduction
- ☐ Need More Information

VI. Currently Funded or Planned? ☒ Yes
☐ No

VII. Planned Milestones (if appropriate): Proposed Rule 10/95

VIII. Key Questions/Issues/Activities: Parties will be split on whether the Part 268 requirements should apply. Some will argue that application of these requirements discourages mixing hazardous waste into used oil, providing waste minimization and environmental benefits, while others will argue that applying these requirements would be costly without significant benefit to environmental protection. The other two provisions should be noncontroversial.

OSWER Regulatory Reform Analysis

I. CFR Reference (Part, Subpart, Regulatory citation(s) and
Title: 40 CFR 300.510(e), Capacity Assurance Planning

II. Purpose of CFR Reference: This rule requires States to assure that adequate capacity exists to manage hazardous wastes generated in their States for 20 years before EPA can expend Superfund Remedial Action Trust funds in the States. Under a program that EPA has implemented to help States fulfill this statutory mandate, States submit Capacity Assurance Plans as the basis of their assurance.

III. Recommended Review Category (Check One):

- ☐ No action
- ☒ X Obsolete
- ☐ Revise Rule(s) or Statute(s)
- ☐ Possibly Revise Rule(s), but further study necessary

IV. Revision Approach:
(check all that apply)

- ☐ Rule Change
- ☒ X Statutory Change
- ☐ Consensual Negotiations

The Agency and the States believe that the CAP program has reached the end of its usefulness. The regional planning efforts, the waste minimization programs, and the upgrading of State databases will continue through other mechanisms. It is recommended that 40 CFR 300.510(e) be eliminated.

V. Expected Impact:

A. Environmental Benefit:

- ☒ X No Change
- ☐ Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

B. Reduction of Burden:

- ☐ None
- ☒ X Small-Moderate Reduction
(70,000 reporting hours,
substantial State resources,
51 States reporting in most
recent ICR)
- ☐ Significant Reduction
- ☐ Need More Information

VI. Currently Funded or Planned? ☒ X Yes
☐ No

VII. Planned Milestones (if appropriate): The Agency has mentioned to the States on several occasions the possibility of a new CAP submittal four years after the 1994 CAP, or as the national capacity situation warranted.

VIII. Key Questions/Issues/Activities: _

The Agency received three sets of Capacity Assurance Plans from the States, in 1989, 1992, and 1994. The Agency's analysis of each these submittals showed that there was adequate capacity, allowing States to receive their cleanup funds.

The Agency and the States believe that the CAP process has been successful because it has given the States an unprecedented opportunity to exchange information with other States and to explore, and in the case of the Western States, implement regional hazardous waste planning efforts. The CAP process has also been instrumental in prompting States to develop waste minimization planning, develop hazardous waste planning reports, and to undertake improvements to their hazardous waste databases.

OSWER Regulatory Reform Analysis

I. Section 3004(1) of RCRA - Ban on Dust Suppression

II. Purpose of CFR Reference: Intended to prohibit the use of waste or used oil, contaminated with dioxin or any other hazardous waste, for use as road treatment or for dust suppression.

III. Recommended Review Category (Check One):

- No action
- Obsolete
- ☒ X Revise Rule(s) or Statute
- Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- ☒ X Rule Change
- ☐ ? Statutory Change

Description of Revision: The original purpose of 3004(1) was to preclude another Times Beach, but that section arguably precludes the use of leachate from a hazardous waste landfill for required dust suppression on that same operating landfill. A statutory revision or regulatory interpretation allowing such use would correct three problems: (1) transporting leachate hundreds of miles; (2) disposal of low-level hazardous waste leachate, and (3) buying potable water for dust suppression. The use of leachate for dust suppression would need to be undertaken consistent with the RCRA land disposal restrictions which may necessitate a statutory change or regulatory revision of Part 268.

V. Environmental Benefit:

- ☐ No Change
- ☒ X Small-Moderate Improve.
- ☐ Significant Improvement
- ☐ Need more information

Reduction of Burden:

- ☐ None
- ☒ X Small-Moderate Reduction
- ☐ Significant Reduction

VI. Currently Funded or Planned?

- ☐ Yes
- ☒ X No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: NA

OSWER Regulatory Reform Analysis

I. CERCLA 108 (b)

II. Purpose of CFR Reference: CERCLA 108 (b) requires EPA to, "promulgate requirements for facilities in addition to those under Subtitle C of the Solid Waste Disposal Act and other Federal law that classes of facilities establish and maintain evidence of financial responsibility consistent with the degree and duration of risk associated with the production, transportation, treatment, storage or disposal of hazardous substances."

III. Recommended Review Category (Check One):

- No action
- Obsolete
- X Revise Rule(s) or Statute
- Possibly Revise Rules, but further study necessary

IV. Revision Approach:

- Rule Change
- X Statutory Change

Description of Revision: Seeks statutory change removing this requirement. This provision would require EPA to make several difficult determinations about the risks of various classes of facilities. It also implies additional financial responsibility requirements for operations which already are under other environmental planning or technical requirements and so could effectively duplicate other regulatory requirements. Because of the difficulty of the regulatory determinations and the lack of any state implementation of prospective requirements, the implementation would be inconsistent with most other statutes which EPA administers.

V. Environmental Benefit:

- X No Change
- Small-Moderate Improve.
- Significant Improvement
- Need more information

Reduction of Burden:

- X None
- Small-Moderate Reduction
- Significant Reduction

VI. Currently Funded or Planned?

- Yes
- X No

VII. Planned Milestones (if appropriate): NA

VIII. Key Questions/Issues/Activities: Since EPA has never proposed any regulations under this provision, many are unaware of it. However, it remains a responsibility which we have not implemented.

